

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Margrit Lehmann

Claim Number: 002572/EZ¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Margrit Lehmann (the “Account Owner”) at the Schaffhausen branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as her sister-in-law (her husband’s half-sister), who was born in Bad Kreuznach, Germany, in approximately 1905, and was not married. The Claimant stated that her sister-in-law had an incurable illness and was therefore sent as a child for medical treatment in Switzerland. She died in Switzerland in the early 1940s. The Claimant further stated that her sister-in-law’s father, [REDACTED], transferred monthly payments to a Swiss bank account, opened in his daughter’s name, for the medical treatments.

The Claimant stated that her sister-in-law was a half sister of the Claimant’s husband, and that both were children of [REDACTED], who was born on 1 August 1868 in Bad Kreuznach, Germany, and was murdered by the Nazis at the Theresienstadt concentration camp. The Claimant further stated that her sister-in-law’s mother was [REDACTED], née [REDACTED], who was [REDACTED]’s first wife and who perished in Auschwitz. The Claimant stated that her late husband, [REDACTED], survived the Holocaust, by being sent to France at the age of 14, and he later died on 5 October 1992. The Claimant stated that she was born in Trieste, Italy,

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the claim number 002571. The CRT will treat the claim to that account in a separate decision.

on 3 December 1924.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Margrit Lehmann. The bank record indicates that the Account Owner held an account of an unknown type, that was transferred on an unknown date to a suspense account, which is a grouping of dormant and open accounts. This bank record also indicates that the balance of the account at issue on 17 November 1987 was 13.10 Swiss Francs and that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her sister-in-law's name matches the published name of the Account Owner. The CRT notes that the bank record does not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant, such as place and date of birth, other relative's names, and marital status of the Account Owner cannot be compared with the bank information.

However, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Margrit and [REDACTED] Lehmann, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her relative's, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner and her family were victims of Nazi persecution. The Claimant stated that the Account Owner was Jewish and that her parents were both murdered by the Nazis.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED] and indicates that he was born on 1 August 1868, in Bad Kreuznach, Germany, which matches the information about the Account Owner's father provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her husband's death certificate and a family tree, indicating that the Account Owner was the Claimant's sister-in-law.

The Issue of Who Received the Proceeds

The bank record indicates that the account remains open and dormant. Therefore, it is clear that the Account Owner or her heirs have not received the proceeds of the account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her sister-in-law, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank record indicates that the value of the account at issue as of 17 November 1987 was 13.10 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 685.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is 698.10 Swiss Francs. Pursuant to Article 35 of the Rules, where the 1945 value of an account of unknown type is less than 3,950.00 Swiss Francs, the value of the account shall be deemed to be 3,950.00 Swiss Francs in the absence of evidence to the contrary. Accordingly, in this case, the CRT deems the historical value of this account to be 3,950.00 Swiss Francs. The present value of the account is determined pursuant to Article 37(1) of the Rules, by multiplying the 1945 value by a factor of 12. In this case, therefore, the total award amount is 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provide that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 65% of the total award amount is 30,810.00 Swiss Francs.

Division of the Award

The Claimant is the Account Owner's sister-in-law and is acting on her own behalf and on behalf of her son, [REDACTED]. There are no other claims to this account. Pursuant to Article 29(1)(d) of the Rules, where neither the Account Owner's spouse nor any descendant of an Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim. In this case, the Claimant is related to the Account Owner only by marriage and she is not therefore entitled to an award; however, her son

[REDACTED] is a descendant of the Account owner's parents and is entitled to the full amount of the award.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal

November 26, 2002