

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Marie Lehmann

Claim Number: 219288/AX

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Marie Lehmann (the “Account Owner”) at the Lugano 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 identifying the Account Owner as his paternal great-grandmother, Marie [REDACTED], who was born in Leipzig, Germany. The Claimant indicated that his great-grandmother, who was Jewish, lived in Leipzig, where she worked as a *Falzerin* (bookbinding machine operator) and had a daughter, [REDACTED], née [REDACTED], who was the Claimant’s grandmother. The Claimant indicated that his grandmother moved to southwest Africa to marry in 1930. The Claimant indicated that his grandmother never spoke of the family’s history in Germany, and that the family lost touch with his great-grandmother in approximately 1937. In support of his claim, the Claimant submitted the birth certificate of his grandmother, [REDACTED], indicating that her mother was Marie [REDACTED]; the death certificate of his grandfather, [REDACTED], indicating that his wife was [REDACTED], and that their children were [REDACTED 2] and [REDACTED]; a certified document issued by the authorities in Pretoria, South Africa in November 1960, indicating that [REDACTED 2] changed his surname to [REDACTED]; an affidavit by the Claimant regarding the name change from [REDACTED 2] to [REDACTED 2], which indicates that [REDACTED 2] had been known as [REDACTED 2] since 1938, when his mother remarried a man named [REDACTED]; and the Claimant’s parents’ marriage certificate, indicating that [REDACTED 2] (formerly [REDACTED 2]) and [REDACTED] were married on 31 January 1960. The Claimant indicated that he was born on 12 January 1961 in Bloemfontein, South Africa. The Claimant is

representing his father, [REDACTED 2] (formerly [REDACTED]), who was born on 11 August 1933 in Tzumeb, Namibia.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database and a suspense account statement. According to these records, the Account Owner was Marie Lehmann. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held one savings/passbook account, numbered 4537, which was considered dormant by the Bank and was transferred to a suspense account on an unknown date. The amount in the account on the date of the transfer was 17.15 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandmother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of his claim, the Claimant submitted the birth certificate of his grandmother, [REDACTED], indicating that her mother was Marie Lehmann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner was Jewish, and that she resided in Nazi Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and his father are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's great-grandmother. These documents include the birth certificate of his grandmother, [REDACTED], indicating that her mother was Marie Lehmann; the death certificate of his grandfather, [REDACTED], indicating that his wife was [REDACTED], and that their children were [REDACTED 2] and [REDACTED]; a certified verification from the ministry in Pretoria, South Africa, indicating that [REDACTED 2] changed his name to [REDACTED]; an affidavit by the Claimant regarding the name change from [REDACTED 2] to [REDACTED 2]; and his parents' marriage certificate, indicating that [REDACTED 2] (formerly [REDACTED 2]) married [REDACTED] on 31 January 1960.

There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant's father, represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was [REDACTED 2]'s grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account. Further, the CRT notes that [REDACTED 2], as the Account Owner's grandson, has a better entitlement to the account than the Claimant, the Account Owner's great-grandson.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the balance of the account was SF 17.15, but do not indicate the date of the balance. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. As noted above, [REDACTED 2], as the Account Owner's grandson, has a better entitlement than does the Claimant, who is the Account Owner's great-grandson. Accordingly, [REDACTED 2] is solely entitled to the entire award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he 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
10 August 2005