

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Israel Levy

in re Account of Israel M. Levy

Claim Number: 716524/GO¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Israel Levy (the “Claimant”) to the published account of Israel M. Levy (the “Account Owner”) at the Zurich 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 an Initial Questionnaire (“IQ”) identifying himself as the Account Owner, Israel Levy (Levinger), who was born on 23 November 1910. The Claimant indicated that he is Jewish, and that he resided at King Boris Street 185 in Sofia, Bulgaria. The Claimant further indicated that, in 1941, he was deported from Sofia and that he was forced to perform slave labor in Silen, Bulgaria and Lovec, Bulgaria until 1944.

Information Available in the Bank’s Record

The Bank’s record consists of a signature sample given on 4 January 1932. According to this record, the Account Owner was Israel M. Levy, who resided at rue Krakra 16 in Sofia, Bulgaria. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated.

¹ Israel Levy (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered IQ-HEB-0147138, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 716524.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with one additional document, namely an account ledger card. This record indicates that the account had a balance of 55.40 Swiss Francs (“SF”) on 18 October 1951, when it was closed by fees.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s city and country of residence, which match unpublished information about the Account Owner contained in the Bank’s record. The CRT notes that the signatures cannot be compared because the Claimant provided his signature in Hebrew, while the signature sample from 1932 is in Roman script.

The CRT notes that the name Israel M. Levy appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Israel Levy, prior to the publication in January 2005 of the 2005 List. This indicates that the Claimant has based his claim not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears his name, but rather on a direct family relationship that was known to him before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that he owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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 stated that he is Jewish, that he resided in Nazi-allied Bulgaria, that he was deported in 1941, when he was forced to perform slave labor in Silen, Bulgaria and Lovec, Bulgaria until 1944.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific biographical information.

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying himself as the Account Owner, prior to the publication in January 2005 of the 2005 List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Claimant knew himself to be the Account Owner, and all of this information supports the plausibility that the Claimant is the Account Owner, as he has asserted in his IQ.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed by fees on 18 October 1951.

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 18 of the Rules. Second, the Claimant has plausibly demonstrated that he is the Account Owner, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of that account as of 18 October 1951 was SF 55.40. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1951. Consequently, the adjusted balance of the account at issue is SF 160.40. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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
19 December 2007