

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Dr. Rudolph Löbl

Claim Number: 500321/PY

Award Amount: 3,615.84 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Rudolph Löbl (the “Account Owner”) at the London 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 brother-in-law, Dr. Rudolph Löbl, who was born on 25 March 1893 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], also in Vienna. The Claimant stated that the Account Owner’s wife, [REDACTED], née [REDACTED], was the sister of the Claimant's late husband, [REDACTED]. The Claimant stated that her brother-in-law, who was Jewish, resided at Taborstrasse 24a in Vienna II. The Claimant added that her brother-in-law was a lawyer with his own legal practice located at Oppolzgasse 6 in Vienna I. According to the Claimant, the Nazis confiscated all of Rudolph Löbl's assets in 1938, including his home and his legal practice. The Claimant stated that her brother-in-law fled to the United States via Yugoslavia in 1938, where he remained until his death on 3 May 1970 in Los Angeles, California. The Claimant stated that Rudolph Löbl’s wife, [REDACTED], died on 31 December 1979, also in Los Angeles, California. The Claimant indicated that Rudolph and [REDACTED] Löbl had no children. In support of her claim, the Claimant submitted a family tree; her brother-in-law’s birth certificate, death certificate and American naturalization certificate; the wedding certificate of [REDACTED] and [REDACTED] [REDACTED]; [REDACTED]'s death certificate; and [REDACTED]'s will and probate document. In addition, the Claimant submitted copies of Dr. Rudolph Löbl's Nazi-era Austrian Census Data forms, which Austrian Jewish Nationals were required to complete. The Claimant stated that she was born on 9 July 1910 in Vienna.

Information Available in the Bank Records

No bank records belonging to the account of Rudolph Löbl were found by the auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Rudolph Löbl, numbered 07655, signed by Rudolph Löbl on 15 July 1938 in Vienna, a copy of which was submitted by the Claimant. According to these documents, Dr. Rudolph Löbl, who was Jewish, was born on 25 March 1893 and was married to [REDACTED], née [REDACTED], who was also Jewish. These records indicate that Dr. Rudolph Löbl resided at Taborstrasse 24a in Vienna II, that he was a lawyer practicing at Oppolzerstrasse 6 in Vienna I, and that his one-third share of the legal practice was valued at approximately 3,500.00 Reichsmarks (1938 value). The Austrian census records also show that Dr. Rudolph Löbl owned various foreign stocks and bonds worth approximately 3,806.07 Reichsmarks (1938 value), as well as bank assets worth 1,100.00 Reichsmarks (1938 value) and an insurance policy worth approximately 2,400.00 Reichsmarks (1938 value). In addition, the records show that he held a demand deposit account at the London branch (located at 99 Gresham Street in London, England) of the [REDACTED],¹ which held a balance of 14.10 Pounds Sterling as of 27 April 1938.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her brother-in-law's name matches the unpublished name of the Account Owner. The Claimant identified her brother-in-law's date of birth, place of residence, profession and office address, all of which match unpublished information about the Account Owner contained in the Austrian State Archives. The CRT also notes that there are no other claimants to this account.

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 the Account Owner was Jewish and fled Nazi-occupied Austria for Yugoslavia and then the United States.

¹ The CRT notes that the Bank was also known by this name until its merger with the [REDACTED] in 1998.

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 a family tree, demonstrating that the Account Owner is her brother-in-law. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (d), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not the Account Owners or their heirs received the proceeds of their accounts.

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 the Account Owner was her brother-in-law, and that relationship justifies an Award. Finally, 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 a demand deposit account. The Austrian State Archives records indicate that the value of the demand deposit account as of 27 April 1938 was 14.10 Pounds Sterling, equivalent to 301.32 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic value by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 3,615.84 Swiss Francs.

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 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
April 24, 2003