

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Heinrich Loebel and Therese Loebel

Claim Number: 788168/SI¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Heinrich Loebel (“Account Owner Heinrich Loebel”) and Therese Loebel (“Account Owner Therese Loebel”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).²

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) with the Court in 1999, identifying Account Owner Heinrich Loebel as his father, Heinrich S. Loebel, who was born on 21 December 1873 in Eiwanowitz (today Ivancice, Czech Republic), and Account Owner Therese Loebel as his mother, Therese Loebel, who was born on 23 August 1881 in Vienna, Austria. The Claimant indicated that his parents were married in Vienna in 1918, and that they resided at Invalidenstrasse 11, in Vienna. The Claimant further indicated that, in August 1938, his parents, who were Jewish, fled Austria for Palestine, where his father died on 13 January 1944, and his mother died on 2 October 1959.

In support of his claim, the Claimant submitted his birth certificate, identifying him as the son of Dr. Heinrich Siegfried Loebel and Therese Loebel of Vienna. The Claimant indicated that he was born on 30 July 1923 in Vienna.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0705-041, 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 788168.

² The CRT notes that, on the February 2001 published 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”), Heinrich Loebel is indicated as having four accounts. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of only two accounts, and that these were jointly held by Heinrich Loebel and Therese Loebel.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, Account Owner Heinrich Loebel was *Dr. med.* Heinrich Loebel, and Account Owner Therese Loebel was *Frau* (Mrs.) Therese Loebel, both of whom resided at Invalidenstrasse 11 in Vienna, Austria. The Bank's record indicates that the Account Owners held one custody account, numbered L33891, and one demand deposit account. The Bank's record further indicates that the custody account was closed on 30 July 1938, and that the demand deposit account was closed on 31 July 1938. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Heinrich Loebel, numbered 28877, and Therese Loebel, numbered 28837. These documents indicate that Dr. Heinrich Loebel, who was born on 21 December 1873, was married to Therese Loebel, who was born on 23 August 1881. The records further indicate that Heinrich and Therese Loebel resided at Invalidenstrasse 11 in Vienna, and that they were still in Vienna on the day the forms were signed, on 15 July 1938. The records further indicate that Dr. Heinrich Loebel, a medical doctor, owned securities worth 4,540.00 Reichsmark ("RM"), but do not specify where these were held. The records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's father's name and country of residence match the published name and country of residence of Account Owner Heinrich Loebel. The Claimant identified Account Owner Heinrich Loebel's title, street address and city of residence, which matches unpublished information about Account Owner Heinrich Loebel contained in the Bank's record. The Claimant further identified Account Owner Therese Loebel's name, address and city and country of residence, which matches unpublished information about Account Owner Therese Loebel contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his birth certificate, identifying him as the son of Dr. Heinrich Siegfried Loebel and Therese Loebel of Vienna, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's record as the names and city of residence of the Account Owners. In addition, this document provides independent

verification that the person who is claimed to be Account Owner Heinrich Loebel had the same title recorded in the Bank's record as the title of Account Owner Heinrich Loebel.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents, 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 his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his father, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his parents owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT further notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they were forced to flee Austria in August 1938. The CRT notes that the Account Owners' 1938 Census records confirm that they resided in Vienna after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*").

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. These documents include his birth certificate, identifying him as the son of Dr. Heinrich Siegfried Loebel and Therese Loebel of Vienna. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that the accounts were closed in July 1938, when, according to the Claimant, the Account Owners were still living in Austria, several months after the *Anschluss*; that there is no record of payment of the Account Owners' accounts to them; that Account Owner Therese Loebel and the Account Owners' heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 Owners or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not 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 Owners were his parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one custody account and one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"), and the average value of a demand deposit account was SF 2,140.00. Consequently, the total 1945 average value of the two accounts is SF 15,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 189,250.00.

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
18 April 2006