

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Selma Loehner

Claim Numbers: 783505/HS; 789267/HS¹

Award Amount: 11,476.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”), to the published account of Selma Loehner (the “Account Owner”) at the Ascona 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 two Initial Questionnaires (“IQs”) identifying the Account Owner as her mother, Selma Löhner, née Bachmann, who was born on 1 October 1874 and was married to Dr. [REDACTED], the Claimant’s father. The Claimant indicated that her parents, who were Jewish, formerly resided in Hamm (Westphalia), Germany, where her father had a medical practice. The Claimant stated that her father died in November 1926 after being thrown down a flight of stairs by two anti-Semitic patients.

According to the Claimant, following her father’s death, her mother moved to Willingen-Stryck (Waldeck), Germany, where she converted her 17-room country house, known as *Haus im Stryck*, into a hotel. The Claimant stated that in November 1935, after being threatened by the local police, her mother was forced to sell the hotel, including valuable art works, the entire contents of the hotel, and the surrounding meadows and forests. The Claimant stated that her mother received 30,000.00 Reichsmark from the sale, which she deposited with the *Bleichröder*

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered ENG-0531175 and ENG-0799166, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs 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 IQs were forwarded to the CRT and have been assigned Claim Numbers 783505 and 789267.

bank in Berlin, Germany. According to the Claimant, her mother directed *Bleichröder* to transfer the money to a bank in Ascona, Switzerland, where her sister lived. The Claimant stated that her mother fled Germany and joined her sister in Ascona, only to be informed by the Swiss bank that it had never received the money transferred from Germany. The Claimant indicated that her mother did not have enough money to support herself, and that, as a result, she was not allowed to stay in Switzerland. The Claimant further indicated that her mother went to live in Brussels, Belgium, where she was allowed to work. According to the Claimant, after Germany invaded Belgium, Belgian officials arranged a pro forma marriage for her mother in order to protect her from the Nazis, but she was arrested early in 1944 and imprisoned in Anderlecht, Belgium, until September 1944, when Belgium was liberated by British forces. The Claimant stated that her mother moved to the United Kingdom in 1947 in order to join the Claimant, and that she resided there until her death in 1967 in Bournemouth, the United Kingdom.

In support of her claim, the Claimant submitted a letter written by her mother, dated 10 July 1935 in Stryck, and showing that she was known as “*Frau Dr. Löhnberg.*” The Claimant also submitted a copy of the sales contract for her mother’s hotel, *Haus im Stryck*, dated 28 November 1935 in Vietz, Prussia, and indicating that her name is Selma Löhnberg. The Claimant indicated that she was born on 14 February 1910.

Information Available in the Bank’s Records

The Bank’s records consist of an excerpt from the Bank's ledger, an undated list of foreign account owners with whom the Bank had had no contact since 9 May 1945, and a printout from the Bank’s database of open accounts. According to these records, the Account Owner was Dr. Selma Loehnberg² of Ascona, Switzerland. These records indicate that the Account Owner held a savings/passbook account, numbered 2438. According to these records, on 15 April 1935, 400.00 Swiss Francs (“SF”) were withdrawn from the savings account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) determined that the account was dormant for at least ten years during some period since 1945. Furthermore, the Bank’s records indicate that the account balance was SF 13.10 on 12 September 1998. Finally, according to these records, the account remains open and dormant.

² In the Bank’s records, two original bank documents list the Account Owner’s first name as “Selma”, whereas a printout from the Bank’s database lists her name as “Selna.” However, considering that the database is not an original document, but a compilation of account information created by the Bank at a later date, the CRT determines that the Account Owner’s first name is “Selma.”

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's mother's name matches the published name of the Account Owner.³ The Claimant identified the Account Owner's city of residence, which is also the location of the Bank branch holding the account, and the Account Owner's use of the title "Dr.," which match unpublished information about the Account Owner contained in the Bank's records. Furthermore, the Claimant indicated that her mother anticipated a move to Switzerland in 1935, which corresponds to the earliest transaction date in the Bank's records. In support of her claim, the Claimant submitted the sales contract for her mother's hotel and a letter written by her mother, both dated in 1935, providing independent verification that her mother had the same name and title as the Account Owner.

The CRT notes that the Claimant filed IQs with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her mother, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant did not base her claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her mother, but rather on a direct family relationship that was known to her before the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner, who was Jewish, was forced to sell her hotel, its contents, and surrounding property in Germany in 1935, that she fled to Switzerland, and was later imprisoned in Belgium until September 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was her mother. The CRT notes that the Claimant, who claimed this account two years before the publication of the Account Owner's name in the ICEP List, identified unpublished information about the Account Owner contained in the Bank's records. The CRT further notes that the Claimant submitted copies of the Account Owner's real estate contract and a letter written by the Account Owner, both dated in 1935. The CRT notes that it is plausible that these are documents which most likely only a family member would possess. There is no information to indicate that the Account Owner has other surviving heirs.

³ The CRT notes that the Bank's records list the Account Owner's last name as "Loehberg," whereas the Claimant has spelled her mother's surname as "Löhnberg." The CRT notes further that, in German, "ö" is identical to "oe."

The Issue of Who Received the Proceeds

The Bank's records indicate that the account is open and dormant.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her mother, 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.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the account on 12 September 1998 was SF 13.10. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 918.10. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,476.25.

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 claims 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
30 December 2004