

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Herbert Lorenz

Claim Numbers: 213856/RT; 213857/RT

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Herbert Lorenz and [REDACTED], née [REDACTED].¹ This award is to the unpublished account of Herbert Lorenz (the “Account Owner”) at [REDACTED] (the “Bank”). The account awarded is from the Total Accounts Database (“TAD”) at the Bank's successor.

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 Claim Forms identifying the Account Owner as his paternal uncle, Herbert Lorenz, who was born in approximately 1900 in Strenz-Naundorf, Germany. The Claimant indicated that his uncle, who was Jewish, never married and had no children. According to the Claimant, his uncle, who was the son of [REDACTED] and [REDACTED], née [REDACTED], had three siblings: [REDACTED], née [REDACTED]; [REDACTED] (the Claimant's father); and [REDACTED]. The Claimant further indicated that in 1935, his uncle fled Germany for Switzerland, where he resided in Interlaken and deposited money in a Swiss bank for the benefit of his father, [REDACTED]. The Claimant further indicated that his aunt, [REDACTED], née [REDACTED], was forced to live in hiding during the Second World War to avoid Nazi persecution. The Claimant indicated that his father was his uncle's only heir.

The Claimant submitted documents, including: (1) his birth certificate, indicating that [REDACTED] was born on 22 July 1928 in Strenz-Naundorf, and that his parents were [REDACTED] and [REDACTED], née [REDACTED], who resided in Strenz-Naundorf; (2) his father's death certificate, indicating that [REDACTED], who was born on 27 May 1890 to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED],

¹ The CRT will treat the claim to the account of [REDACTED], née [REDACTED], in a separate determination.

née [REDACTED], died on 26 August 1951; (3) his father's inheritance certificate, indicating that [REDACTED]'s heirs were his wife, [REDACTED], née [REDACTED], who was entitled to one-fourth of his estate, and his son, [REDACTED], who was entitled to three-fourths of his estate; (4) his mother's death certificate, indicating that [REDACTED], née [REDACTED], who was born on 17 August 1893 and who was the widow of [REDACTED], died on 24 May 1971; and (5) his mother's inheritance certificate, issued on 29 May 1992, indicating he was his mother's only heir.

The Claimant indicated that he was born on 22 July 1928 in Strenz-Naundorf.

The Claimant previously submitted two Initial Questionnaires to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by Hermann Lorenz and Therese Lorenz.²

Information Available in the Bank's Record

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") prepared an electronic report on the account. According to this report, the Account Owner was Herbert Lorenz, who resided in Interlaken, Switzerland. The ICEP auditors reported that the Account Owner held a savings/passbook account, numbered 693, and that the account was transferred to a suspense account for dormant accounts in 1964 with a balance of 74.00 Swiss Francs ("SF"). According to the ICEP auditors' report, the account remains suspended.

This account was not part of the Account History Database at the CRT, but was identified as a result of matching and research carried out at the Bank's successor and using, as noted above, the TAD at the Bank's successor. The TAD at the Bank's successor is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the auditors who carried out the ICEP Investigation as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,³ are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

The account awarded is part of a group of accounts identified in the TAD.

The CRT's Analysis

² The CRT will treat the claims to these accounts in separate determinations.

³ These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's uncle's name and city and country of residence match the unpublished name and city and country of residence 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 stated that the Account Owner was Jewish, that he resided in Nazi Germany, that he fled to Switzerland in 1935, and that his sister was forced to live in hiding to avoid Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's uncle.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the report prepared by the ICEP auditors and that the Claimant identified the relationship between the Account Owner and the Claimant without the publication of the Account Owner's name in connection with a Swiss bank account. The CRT also notes that the Claimant submitted copies of his birth certificate, his father's death certificate, his father's death certificate, his father's inheritance certificate, his mother's death certificate, and his mother's inheritance certificate, which provide independent verification that the Claimant and his relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation reported that the account was transferred to a suspense account in 1964 and that it remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, 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 savings/passbook account. The ICEP auditors reported that the balance of the account as of 1964 was SF 74.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 374.00. 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.

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 claims 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) at banks other than the Bank.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
9 November 2006