

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Margrit Mahler

Claim Number: 201289/CC/GK

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the unpublished account of Margrit Mahler (the “Account Owner”) at the Lucerne branch of the [REDACTED] (the “Bank”).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 identifying the Account Owner as his mother, Margarethe (Gretl) Katharina Mahler, née Guttmann, who was born on 18 April 1904 and who was married to his father, [REDACTED], on 9 December 1923 in Vienna, Austria. The Claimant stated that his parents, who were Jewish, had two children: [REDACTED], née [REDACTED], who was born on 31 December 1924 in Vienna, and the Claimant, who was born on 29 February 1928 in Vienna. The Claimant stated that his father was an engineer and the director of *Brüder Mahler*, a paper manufacturing company. In telephone conversations on 31 August and 6 October 2004, the Claimant stated that his parents were divorced in 1930. The Claimant stated that, shortly after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), his father committed suicide on 17 March 1938, the same day he expected to be arrested and deported to Dachau. The Claimant further stated that his mother married [REDACTED], formerly [REDACTED], in 1938. In an email dated 14 March 2005, the Claimant stated that his mother fled Austria with her second husband in the second half of 1938 and came to Australia via the Netherlands and the former Dutch West Indies on a Dutch ship. The Claimant stated that his

¹ The CRT did not locate an account belonging to the Claimant’s father, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

mother passed away in Australia in 1962.

In support of his claim, the Claimant submitted copies of his birth certificate, his father's death certificate, and an Order for Adoption, issued by the County Court at Melbourne, Australia on 26 November 1944, indicating that the Claimant was authorized to be adopted by [REDACTED] and that his last name was changed from [REDACTED] to [REDACTED].

The Claimant previously submitted two Initial Questionnaires ("IQs") with the Court in 1999, asserting his entitlement to a Swiss bank account held by [REDACTED].

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Margrit Mahler. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account numbered 2532, the type of which is not indicated. The Bank's record also indicates that the account was considered dormant by the Bank and was transferred to a suspense account on 28 March 1973, and that the amount in the account on the date of its transfer was 45.00 Swiss Francs ("SF"). The account remains in the suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name substantially matches the unpublished name of the Account Owner.² The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of his claim, the Claimant submitted documents, including his birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same last name and substantially the same first name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the database of the National Archives of Australia³ contains entries indicating that Margarethe Mahler, who was born on 18 April 1904, arrived in Sydney, Australia on 22 January 1939. This information provides independent verification of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

² The CRT notes that the Claimant's mother's first name is Margarethe, while the Bank's record indicates that the Account Owner's first name is Margrit. However, the CRT notes that Margrit is a common variation of the name Margarethe and finds that this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

³ Available online at <http://www.naa.gov.au> (last visited 15 March 2005).

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 the Account Owner was Jewish, and that she fled Austria after the *Anschluss*.

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 and documents, demonstrating that the Account Owner was his mother. These documents include the Claimant's birth certificate, which indicates that the Claimant is the son of Margarethe Mahler. The CRT notes that the Claimant has indicated that he has a sister, [REDACTED], née [REDACTED]. The CRT has not received a claim from her.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 28 March 1973, where it remains.

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 his 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 an account of unknown type. The Bank's record indicates that the value of the account on 28 March 1973 was SF 45.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account between 1945 and 1973. Consequently, the adjusted value of the account is SF 480.00. 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
13 May 2005