

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Alfred Casparius
represented by Ruth A. Casparius

in re Account of Marie Michaelis

Claim Number: 207605/LH¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Alfred Walter Casparius (the “Claimant”) to the published account of Marie Michaelis (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

In a separate decision, the CRT awarded two accounts belonging to Marie Michaelis to the Claimant. See *In re Accounts of Marie Michaelis* (approved on 3 June 2003) (the “June 2003 Award”). 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”), Marie Michaelis is indicated as owning two accounts, and these accounts were those awarded in the June 2003 Award. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of three accounts. This decision addresses the third account not addressed in the June 2003 Award.

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal great-aunt by marriage, Marie Michaelis, who was born in 1861 or in 1862 in Pommern, Germany, and was married to Alfred Michaelis, with whom she had one child, Lisa Michaelis. The Claimant indicated that his great-aunt, who was Jewish, was the sister-in-law of his maternal grandmother, Ernestine Schutz, née Michaelis. The Claimant stated that his great-aunt resided at Prince Allee 60 in Berlin, Germany, and that her husband died before 1923. In a telephone conversation with the CRT, the Claimant stated that his great-aunt lived on private means after her husband’s death

¹ In a separate decision, the CRT awarded the account of Paul Michaelis to the Claimant. See *In re Account of Paul Michaelis* (approved on 23 March 2007). The CRT also treated the Claimant’s claim to the account of Albert Michaelis in a separate decision. See *In re Account of Albert Michaelis* (approved on 24 April 2007).

and that her daughter, Lisa Michaelis, perished in the Holocaust. The Claimant further stated that his great-aunt was deported to Theresienstadt, where she perished on 14 June 1942, and that he is the sole survivor of the family.

The Claimant indicated that he was born on 19 August 1923 in Berlin, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Marie Michaelis, who resided in Berlin, Germany, and who used an address in Lugano, Switzerland. The Bank's record indicates that the Account Owner held a demand deposit account denominated in United States Dollars, which was closed on 30 April 1933, a demand deposit account denominated in Swiss Francs, which was closed on 20 August 1933, and a custody account, which was closed on 10 April 1934.² The amounts in the accounts on the dates of their closure are unknown.

There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-aunt's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marie Michaelis, and indicates that her year of birth was 1962 and place of birth was Ferdinandshof, Pommern, which match the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel

The CRT notes that the name Marie Michaelis appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT further notes that there are no other claims to this account.

² The two demand deposit accounts were treated in the June 2003 Award. In the June 2003 Award, the CRT determined that the demand deposit account denominated in Swiss Francs was closed on 10 April 1934. Upon careful review, the CRT has concluded that the Bank's record indicates that the demand deposit account denominated in Swiss Francs was closed on 20 August 1933, rather than on 10 April 1934. The CRT concludes that this date, 10 April 1934, was the date of closure of the custody account, which was not addressed in the June 2003 Award and which is the subject of the current decision.

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 that she resided in Nazi Germany until she was deported to Theresienstadt, where she perished on 14 June 1942. The Claimant also stated that most of the Account Owner's family, including her daughter, perished in the Holocaust as well. As noted above, a person named Marie Michaelis was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's great-aunt. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record and that the Claimant also identified information which matches information contained in the Yad Vashem records. 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 CRT notes that the two demand deposit accounts were awarded to the Claimant in June 2003.

With respect to the custody account held by the Account Owner at the Bank, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until she was deported to Theresienstadt, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; that the Account Owner's heirs would not have been able to obtain information about her account 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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.

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 his great-aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 custody 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 (the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). 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 162,500.00.

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
19 December 2007