

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Mathilde Michel**

Claim Number: 703349/JW<sup>1</sup>

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Mathilde Michel (the “Account Owner”) at [REDACTED] (the “Bank”).<sup>2</sup>

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 an Initial Questionnaire identifying the Account Owner as his great-grandmother, Mathilde Michel, who was married to [REDACTED]. The Claimant indicated that his great-grandparents, who were Jewish, lived in Seibersbach, Germany, and that they had a daughter, [REDACTED], née [REDACTED], who was born in 1900, and who married the Claimant’s paternal grandfather, [REDACTED], who was born in Germany in 1888. Furthermore, the Claimant indicated that his father ([REDACTED]’s son) was [REDACTED], who was born in 1926 in Germany and was married to the Claimant’s mother, [REDACTED]. The Claimant indicated that his great-grandfather and his grandmother perished with many other members of their family in Auschwitz in 1943.

---

<sup>1</sup> [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0250200, 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 703349.

<sup>2</sup> 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”), a person named *Frl.* (Miss) Mathilde Michel from Fürth, Germany, is indicated as owning an account. The CRT will treat the Claimant’s claim to this account in a separate determination.

The Claimant indicated that he was born on 17 December 1964 in Australia.

### **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") did not provide any Bank's records pertaining to the account at issue, but prepared an audit report on the account. According to this record, the Account Owner was *Mme.* (Mrs.) Mathilde Michel, who provided a temporary address at *Maison Lafitte* [sic] near Paris, France. These records do not indicate the Account Owner's permanent domicile. This record indicates that the Account Owner held a safe deposit box that was opened on 16 February 1935 and was closed on 13 January 1947, when two of the keys were returned to the Bank. The contents of the safe deposit box on the date of its closure are unknown. There is no evidence that the Account Owner or her heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's great-grandmother's name matches the name of the Account Owner. The Claimant also identified his grandmother's marital status, which matches unpublished information about the Account Owner. The CRT notes that the report prepared by the ICEP auditors does not contain any specific information about the Account Owner other than her name, marital status, and a temporary address. The CRT notes that this address is listed as a temporary address, and that it is plausible that the Claimant's grandmother could have resided in Seibersbach but used a temporary address in Paris when opening an account. The CRT also notes that Seibersbach is located less than 120 kilometers from the French border.

The CRT notes that the Claimant filed an IQ with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Mathilde Michel, 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 ("ICEP List"). This indicates that the Claimant has based his present 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 relative, 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 relative 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 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 she resided in Nazi Germany during the Second World War, and that her husband and daughter perished in Auschwitz in 1943.

#### 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 paternal great-grandmother. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner, and that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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.

#### The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to her; that the Account Owner resided in Nazi Germany; that the Account Owner and her 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; 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 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.

#### 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 paternal great-grandmother 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 safe deposit box 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 ICEP Investigation, in 1945 the average value of a safe deposit box account was 1,240.00 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 15,500.00.

### **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 record 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  
7 June 2006