

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Zelman Miller

in re Account of Elisabeth Miller

Claim Number: 207299/SH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Zelman Miller (the “Claimant”) to the account of Elisabeth Miller (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

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 paternal grandmother, Elisabeth Leah Miller, who was born in approximately 1879 in Vinnitsa, the Ukraine and was married to Leib Miller in Vinnitsa. The Claimant indicated that his grandmother owned a clothing store and a wheat processing factory in Vinnitsa, and that his grandparents traded in Switzerland and often traveled there on business. The Claimant further indicated that his grandparents owned a private business in Switzerland. According to the Claimant, his grandfather’s brothers-in-law were Swiss and resided in Switzerland. The Claimant indicated that during the Second World War, his grandparents, who were Jewish, were captured by the Nazis in 1942, incarcerated in a ghetto, and killed by the Nazis in approximately 1944, along with their six children: Motl (the Claimant’s father), Einech, Fischel, Manya, Taibel and Sura. The Claimant submitted a letter from a family friend who knew his grandparents, which stating that the Claimant’s grandparents were very wealthy and often traveled to Switzerland. Finally, the Claimant stated that he was born on 1 May 1924 in Vinnitsa.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Motl Leib Miller of Vinnitsa, the Ukraine, who was killed by the Nazis.

Information Available in the Bank Record

The bank record consists of an excerpt from a suspense account ledger listing accounts that were suspended. According to this record, the Account Owner was *Mme* (Mrs.) Elisabeth Miller. The bank record indicates that the Account Owner held an account of unknown type. The bank record does not indicate the address or nationality of the Account Owner, nor does it indicate when the account was opened. The account was transferred to a suspense account on 31 December 1936. The amount in the account on the date of its transfer was 50.05 Swiss Francs. The bank record indicates that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's name and marital status match the published name and marital status of the Account Owner. In support of his claim, the Claimant submitted his birth certificate indicating the family name Miller, and a letter of a family friend indicating his grandparents' wealth and their connection to Switzerland. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Motl Lieb Miller, prior to the publication in February 2001 of the 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"). This indicates that the Claimant had reason to believe that his paternal relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account.

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 was killed by the Nazis in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting detailed biographical information and documents, including his birth certificate, demonstrating that the Account Owner was his grandmother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank record indicates that the account remains 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 his grandmother, and that relationship justifies an Award. Finally, 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 account of unknown type. The bank record indicates that the value of the account as of 31 December 1936 was 50.05 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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
April 24, 2003