

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Elinor Hedwig Knepler
also acting on behalf of Myrna Mae Knepler, Anne Judith Knepler,
Elizabeth Pauline Knepler and Stuart Moser

in re Account of Rose Moser

Claim Number: 300414/BI; 300415/BI¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Elinor Hedwig Knepler (the “Claimant”) to the account of Rosa (Rosalie) Moser, née Goldschmidt. This Award is to the published account of *Mme* (Mrs.) Rose Moser (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 her paternal great-grandmother (her father’s maternal grandmother), Rosa (Rosalie) Moser, née Goldschmidt, who was born on 4 July 1865 in Frankfurt, Germany, and was married to Adolf Moser. The Claimant stated that her great-grandmother, who was Jewish, resided at Heinestrasse 4 in Vienna, Austria, and had three children: Adolf (Albert), Hedwig and Hugo. According to the Claimant, her great-grandfather took his own life in 1929. The Claimant stated that her great-grandmother was deported on an unknown date from her home in Vienna to Theresienstadt, where she perished on 8 January 1943. The Claimant explained that her paternal grandmother, Hedwig Knepler, née Moser, was forced to live in hiding in Austria throughout the War, her paternal grandfather perished in Auschwitz, and her father escaped to England on a *Kindertransport* (children’s transport).

In support of her claim, the Claimant submitted copies of: (1) her great-grandmother’s death certificate, issued in Prague, the Czech Republic, indicating that Rosalie Moserova, née Goldschmidtova, was born on 4 July 1865 in Frankfurt and perished on 8 January 1943 in

¹ In a separate decision, the CRT awarded the accounts of Hedwig Knepler to the Claimant. See *In re Account of Hedwig Knepler* (approved on 31 December 2003).

Theresienstadt and that she was Jewish; (2) her great-grandfather's death certificate, indicating that Adolf Moser was Jewish, that he resided at Heinestrasse 4, Vienna, and that he died on 9 July 1929; (3) a letter dated 10 September 1946 from the Jewish Community Office in Czechoslovakia addressed to her grandmother, Hedwig Knepler, indicating that Rosa Moser perished on 8 January 1943 in Theresienstadt; (4) her grandparents' marriage certificate, indicating that Hedwig Moser was the daughter of Adolf Moser and Rosa Moser, née Goldschmidt, and that she was married to Hugo Knepler on 1 September 1909 in Vienna; (5) her grandmother's death certificate, indicating that Hedwig Knepler passed away on 25 October 1962 in Chicago, Illinois, the United States, and that her parents were Adolph Moser and Rosa Goldschmidt; (6) her father's birth certificate, issued by the Jewish Community of Vienna, indicating that Heinrich Wilhelm Knepler was born on 8 May 1922 in Vienna, and that his parents were Hugo Knepler and Hedwig Knepler, née Moser; (7) her own birth certificate, indicating that Elinor Hedwig Knepler was born on 4 May 1964 and that her parents were Henry Knepler and Myrna Cohn; (8) her sisters' birth certificates, indicating that Elizabeth Pauline Knepler and Anne Judith Knepler are the children of Henry Knepler and Myrna Cohn; and (9) her father's death certificate, indicating that Henry Knepler was the son of Hugo Knepler and Hedwig Moser.

In addition, the Claimant's relative Stuart Moser submitted a copy of a letter from the Claimant's father, dated 18 May 1987 and addressed to "Judy and Stuart" from "Henry," indicating that the Claimant's great-grandmother died in Theresienstadt.

The Claimant indicated that she was born on 4 May 1964 in Chicago. The Claimant is representing her mother, Myrna Mae Knepler, née Cohn, who was born on 11 September 1934 in Chicago; her sisters, Elizabeth Pauline Knepler and Anne Judith Knepler, who were born on 3 May 1962 and 7 November 1965, respectively, in Chicago, and her father's cousin, Stuart Moser, who is the grandson of her great-uncle and aunt, Adolf (Albert) and Alice Moser.

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's ledgers and an extract from the Bank's suspense ledger. According to these records, the Account Owner was Madame Rose Moser. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/passbook account numbered 23715.

The Bank's records indicate that the account was transferred the Bank's suspense account on or before 4 June 1946 and that the last known date of existence of the account is 28 February 1950. The Bank's records indicate that the last known balance in the account as of 31 December 1945 was 7.00 Swiss Francs ("SF").

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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was

no evidence of activity on this account after 1945. There is no evidence in the Bank's records 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 and marital status matches the published name and form of address (*Madame*) of the Account Owner.² The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and form of address.

In support of her claim, the Claimant submitted documents, including copies of her great-grandmother's death certificate, a letter from the Jewish Community in Czechoslovakia addressed to her grandmother, her grandparents' marriage certificate and her grandmother's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rosalie Moser, and indicates that her date of birth was 4 July 1865, that her place of birth was Germany and that she resided in Vienna before being transported to Theresienstadt, where she perished in 1943, which matches 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 Rose Moser 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 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 perished in Theresienstadt. The Claimant submitted her great-grandmother's death certificate and a letter dated 10 September 1946 from the Jewish Community in Czechoslovakia, indicating that the Account Owner perished in Theresienstadt on 8 January 1943. As noted above, a person named Rosalie Moser was included in the CRT's database of victims.

² The CRT notes that the Account Owner's first name was Rose and that the Claimant indicated that her great-grandmother's name was Rosa or Rosalie. However, the CRT notes that Rose is a common variation of the names Rosa and Rosalie and this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's great-grandmother. These documents include copies of: (1) her great-grandmother's death certificate, indicating that Rosalie Moserova, née Goldschmidtova, was born on 4 July 1865 in Frankfurt and perished on 8 January 1943 in Theresienstadt; (2) her grandparents' marriage certificate, indicating that Hedwig Moser was the daughter of Adolf Moser and Rosa Moser, née Goldschmidt, and that she was married to Hugo Knepler on 1 September 1909 in Vienna; (3) her father's birth certificate, indicating that Heinrich Wilhelm Knepler was born on 8 May 1922 in Vienna, and that his parents were Hugo Knepler and Hedwig Knepler, née Moser; (4) her own birth certificate, indicating that Elinor Hedwig Knepler was born on 4 May 1964 and that her parents were Henry Knepler and Myrna Cohn; (5) her sisters' birth certificates, indicating that Elizabeth Pauline Knepler and Anne Judith Knepler are the children of Henry Knepler and Myrna Cohn; and (6) her father's death certificate, indicating that Henry Knepler was the son of Hugo Knepler and Hedwig Moser.

There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in Theresienstadt in 1943; that the account was transferred to a suspense account on or before 4 June 1946; that the last known date of existence of the account is 28 February 1950, which is after the death of the Account Owner; that there is no record of the payment of the Account Owner's account to her heirs; 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; 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 and the parties she represents. 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 her 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.

Further, the CRT notes that the Claimant and represented parties Anne Judith Knepler, Elizabeth Pauline Knepler, and Stuart Moser, as descendants of the Account Owner, have a better entitlement to the account than represented party Myrna Mae Knepler, who is related to the Account Owner by marriage only.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 31 December 1945 was SF 7.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the savings/passbook account in 1945. Consequently, the adjusted balance of the account at issue is SF 22.00. 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.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of the descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sisters, Anne Judith Knepler and Elisabeth Pauline Knepler, and her relative Stuart Moser. Accordingly, the Claimant and her two sisters, who are descendants of the Account Owner's daughter Hedwig, are entitled to share equally one-half of the award amount, or one-sixth of the award amount each, and represented party Stuart Moser, as the descendant of the Account Owner's son Adolf, is entitled to one-half of the total Award amount. As noted above, the Claimant's mother, represented party Myrna Mae Knepler, is not entitled to share in the Award.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
20 December 2007