

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Wilhelmine Moser

Claim Number: 220567/KG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the unpublished account of Wilhelmine Moser (the “Account Owner”) at the Schaffhausen branch of the [REDACTED] (the “Bank”).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 her mother, Dr. Wilhelmine Theresia Josefa Hellin, née Moser, who was born on 24 April 1901 in Vienna, Austria, and was married to [REDACTED] on 24 March 1924 in Vienna. The Claimant stated that, between 1925 and 1933, her family lived in Germany where her father worked in the petroleum industry. The Claimant further stated that, in 1933, her family left Germany after her father lost his position because he was Jewish. According to the Claimant, after residing with his family in France and Italy, her father obtained a position in Zurich, Switzerland, in late 1937 or early 1938 but was refused a residence permit by the Swiss authorities because he and his family had become stateless following the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). The Claimant explained that her family then settled in Archamp, Haute Savoie, France, and that her father regularly commuted to Zurich for his job. The Claimant indicated that her father was interned in France for some time in 1940. According to the Claimant, in 1941, following her father’s release, he left for the United States on a cargo ship. The Claimant stated that she, her sister, and her mother departed for the United States shortly afterwards, arriving on 4 November 1941. The Claimant further indicated that her parents divorced on 23

¹ In a separate decision, the Claimant was awarded this account. See *In re Account of [REDACTED]*, which was approved by the Court on 5 September 2002.

December 1950 and that her mother spent the rest of her life in the United States. The Claimant indicated that her mother passed away on 21 May 1993 in New York, the United States.

The Claimant submitted several documents in support of her claim, including: her parents' marriage certificate and their divorce decree, both showing that her mother's maiden name was Wilhelmine Moser; her own birth certificate and that of her sister, [REDACTED 2], née [REDACTED], both indicating that their mother was Wilhelmine Moser; and a decision of the Restitution Office of Berlin, dated 24 July 1968, indicating that [REDACTED] received a monthly pension pursuant to the Federal Law on Compensation of Victims of Nazi Persecution ("*Bundesgesetz zur Entschädigung der Opfer der nationalsozialistischen Verfolgung*").

The Claimant indicated that she was born on 29 April 1925 in Vienna. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 20 May 1938 in Paris, France.

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 Wilhelmine Moser. 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 11992, the type of which is not indicated. The Bank's record indicates that the account was considered dormant by the Bank and was transferred on 17 November 1987 to the Bank's suspense account, where it remains today. The amount in the account on the date of its transfer was 6.45 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's maiden name matches the unpublished name of the Account Owner. 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 her claim, the Claimant submitted documents, including her parents' marriage certificate, her birth certificate and her sister's birth certificate, all indicating that her mother's maiden name was Wilhelmine Moser, thereby providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner recorded in the Bank's records.

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.

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 married to a Jewish man and that she and her family were forced to flee to various countries in Europe following Hitler's rise to power, that her husband was forced to leave his job in Germany and was interned in France, and that the family eventually fled to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and her sister, [REDACTED 2], are related to the Account Owner by submitting specific information and their birth certificates, demonstrating that the Account Owner was the mother of the Claimant and [REDACTED 2]. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that on 17 November 1987 the account was transferred to the Bank's suspense account, 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 she and [REDACTED 2] are the daughters of the Account Owner, 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, the type of which is not indicated. The Bank's record indicates that the value of the account as of 17 November 1987 was SF 6.45. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account is SF 691.45. 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.

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 any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sister, [REDACTED 2]. Accordingly, the Claimant and [REDACTED 2] are each entitled to one-half of the total award amount.

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
13 May 2005