

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Willy Moser

Claim Number: 753497/CC/IS¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the unpublished account of Willy Moser (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).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 an ATAG Ernst & Young claim form identifying the Account Owner as her paternal uncle, Willy (William) Moser, formerly Moses, who was born on 28 February 1893 in Berlin, Germany to [REDACTED] and [REDACTED], née [REDACTED]. In a telephone conversation on 8 April 2005, the Claimant stated that her uncle changed his last name from Moses to Moser prior to 1926. According to the Claimant, her uncle was married to [REDACTED] and had no children. The Claimant stated that her uncle, who was an art dealer and glazier, traveled to Switzerland on business. The Claimant further stated that her uncle, who was Jewish, fled Germany in 1936 and emigrated to the United States, where he died on 25 January 1962. According to the Claimant, her uncle had four siblings, including [REDACTED], née [REDACTED], and [REDACTED], who perished during the Holocaust.

¹ Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-NYC-N-71-107-063-908, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 753497.

In support of her claim, the Claimant submitted the sworn statement of a relative, [REDACTED], dated 24 March 1943, which states that the Claimant's maiden name was [REDACTED]; her father's 1939 German passport, which he signed as "[REDACTED]"; and her son's circumcision certificate, which indicates that his godparents were William Moser and [REDACTED]. The Claimant stated that she was born on 14 August 1926 in Berlin.

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 Willy 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 13562, the type of which is not specified. The Bank's record further indicates that the account was dormant as of 24 May 1937. In addition, the Bank's record indicates that the account was transferred to a suspense account for dormant assets on 28 February 1977 and that the amount in the account on that date was 1.05 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's 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 his name. In support of her claim, the Claimant submitted documents, including her son's circumcision certificate, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name as the name of the Account Owner.

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 her uncle was Jewish and that he fled Germany in 1936.

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 paternal uncle. The CRT notes that the Claimant identified unpublished information, as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of her son's circumcision certificate, which includes the name of the Account Owner as her son's godfather. Finally, the CRT notes that the foregoing information and documents are of the type that family members would possess and indicate that the Account Owner was well known to the

Claimant as a family member, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 28 February 1977 the account was transferred to a 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 the Account Owner was her paternal uncle and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his 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's record indicates that the value of the account on 28 February 1977 was SF 1.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 496.05. 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 historic value 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.

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
15 July 2005