

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED] and [REDACTED]

in re Account of Lina Mueller

Claim Number: 203528/DE; 213234/DE

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (“the Claimant”) to the accounts of Emil Müller and Jonas Deutsch.¹ This award is to the published account of Lina Mueller (the “Account Owner”) at the Wädenswil 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 two Claim Forms identifying the Account Owner as his paternal grandmother, Lina Deutsch, née Müller, who was born in 1884 in Liptód, Hungary and was married to [REDACTED] in Mohács, Hungary. The Claimant indicated that his grandmother, who was Jewish, resided in Mohács and that prior to Nazi occupation her husband owned a vineyard and other property and worked in agriculture. The Claimant stated that his grandmother came from a wealthy family and that her paternal uncle, whose last name was [REDACTED], was a banker who acted as her financial advisor. According to the Claimant, his grandparents had six children: [REDACTED], [REDACTED], [REDACTED] (the Claimant’s father), [REDACTED], [REDACTED], and [REDACTED].

The Claimant indicated that his grandmother was deported first to a ghetto and then to Auschwitz, where she perished. The Claimant indicated that his grandfather and four of their children also perished in the Holocaust. The Claimant further indicated that, of his grandparent’s children, only [REDACTED] and [REDACTED] survived the Holocaust.

¹ In a separate decision, the CRT awarded the accounts of Emil Müller to the Claimant. See *In re Account of Emil Müller* (approved on 30 November 2005). The CRT will treat the claim to the account of Jonas Deutsch in a separate determination.

In support of his claim, the Claimant submitted a copy of his father's birth certificate, indicating that [REDACTED] was born on 8 March 1909 and that his parents' names were [REDACTED] and Karolina Müller and that each family member was Jewish, and a restitution certificate from the Hungarian government indicating that [REDACTED] was interned at a labor camp from 1 May 1943 until 27 October 1944. The Claimant previously submitted an Initial Questionnaire ("IQ") to the Court in 1999 and an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by Emil Müller and Jonas Deutsch.

The Claimant indicated that he was born on 16 July 1949 in Budapest, Hungary.

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 Lina Mueller. The Bank record does not indicate the Account Owner's domicile. The Bank records indicate that the Account Owner held one account, the type of which is not indicated, numbered 1652, which was suspended by the Bank on 28 May 1954. The balance of the account on the date of transfer was 1.10 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's grandmother's name matches the published name of the Account. The CRT notes that the Claimant's grandmother's maiden name was Müller and that her married name was Deutsch, and that the account was held in the name of Lina Müller, not Lina Deutsch. However, the CRT notes the Claimant stated that his grandmother's uncle was a banker named Müller and that he acted as her financial advisor, and considers it plausible that she used her maiden name to maintain the account. 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 his claim, the Claimant submitted his father's birth certificate indicating that his father's mother was named Karolina Müller, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.²

² The CRT notes that Lina is a short form for names ending in 'Lina,' such as Karolina, and that in German, "ü" is the equivalent of "ue."

The CRT notes that the name Lina Mueller 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 the Claimant filed an ATAG Ernst & Young claim form in 1998 and an IQ with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Emil Müller and Jonas Deutsch in which he mentioned his grandmother Lina Müller, 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 (the “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 lived in Nazi-allied Hungary, that she perished in Auschwitz, and that her husband and four of her six children also perished in the Holocaust. The Claimant also submitted his father’s birth certificate indicating that Karolina Müller was Jewish and a restitution certificate from the Hungarian government indicating that [REDACTED] was interned at a labor camp from 1 May 1943 until 27 October 1944.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant’s grandmother. The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998 and an Initial Questionnaire 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. The CRT further notes that the Claimant submitted a copy of the birth certificate of his father, [REDACTED], indicating that his father’s mother’s name was Karolina Müller. The CRT notes that it is plausible that this is a document that most likely only a family member would possess. 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 Forms. The CRT notes that the Claimant indicated he may have other surviving relatives, but that because they are not represented in the Claimant’s claims, the CRT will not treat their potential entitlement to the Account Owner’s account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended by the bank on 28 May 1954, and that it remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his grandmother, 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 one account of unknown type. The Bank's record indicates that the value of the account as of 28 May 1954 was SF 1.10. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to an account of unknown type between 1945 and 1954. Consequently, the adjusted balance of the account at issue is SF 151.10. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 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.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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