

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Clara Müller

Claim Number: 202628/SJ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Clara Müller (the “Account Owner”) at the Zurich 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 Clara Müller, the wife of her cousin, [REDACTED]. The Claimant stated that her cousin and his wife, who were Jewish, had one child, [REDACTED], who died during the Second World War in Lemberg, Russia (now Lwow, Poland). The Claimant further stated that [REDACTED] owned a tannery in Auschwitz, Poland and that he traveled from Poland to Switzerland on business. The Claimant indicated that her cousin and his wife resided until 1939 in Katowice, Poland and that he traveled to Palestine on business and was unable to return to Poland because of the War. The Claimant explained that Clara Müller resided in Lemberg, where she perished in a concentration camp during the War. Finally, the Claimant added that [REDACTED] and Clara Müller adopted a daughter, [REDACTED], who also perished in Lemberg. The Claimant indicated that she was born on 4 April 1926 in Katowice.

¹The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Records

The Bank's records consist of a list of suspense accounts and a printout from the Bank's database. According to these records, the Account Owner was Clara Müller who resided in Lwow, Poland. The Bank's records indicate that the Account Owner held a demand deposit account in United States Dollars, which was transferred on 8 December 1937 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 5.80 United States Dollars, which the Bank valued at 25.05 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of the wife of the Claimant's cousin, [REDACTED], matches the published name of the Account Owner. The Claimant stated that her relative resided in Lwow, Poland, which matches the Account Owner's unpublished city of residence contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and city and country of residence. Furthermore, the CRT notes that the name Clara Müller appears only once on the February 2001 published list of accounts determined by 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") to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. 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, and that she perished with her daughter during the Second World War in Lemberg, Russia, now known as Lwow, Poland.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was married to her cousin. The CRT notes that the Claimant identified the unpublished city of residence of the

Account Owner, as contained in the Bank's records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 8 December 1937 and remains open in the Bank's suspense account.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her cousin's wife, 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

The Bank's records indicate that the value of the demand deposit account as of 8 December 1937 was 25.05 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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. Consequently, the total award amount in this case is 26,750.00 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 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
6 February 2004