

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Emile Muller

Claim Number: 000995/SH

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Emile Muller (the “Account Owner”) at the [REDACTED] (the “Bank”).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 maternal grandfather, Emil Muller, who was born on 22 November 1872 in Slawitschin, Czechoslovakia. The Claimant stated that her grandfather was married to [REDACTED], née [REDACTED], and had two children, [REDACTED] and [REDACTED]. The Claimant further stated that her grandfather resided at 73 Zeille Street, Brno (Brünn), Czechoslovakia and that he was an engineer and owned a shoe-leather factory named *Pellin Werke*. According to the Claimant, her grandfather, who was Jewish, was sent to the Theresienstadt concentration camp, where he perished on 18 October 1942. In support of her claim, the Claimant submitted her marriage certificate, her mother’s death certificate, her grandfather’s inheritance certificate, according to which his sole heirs are his children, [REDACTED] and [REDACTED], and her uncle’s inheritance certificate, according to which the Claimant’s mother, [REDACTED], née [REDACTED], is his sole heir. The Claimant indicated that she was born on 9 February 1945 in Israel.

¹ The Claimant provided her name and some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

The Claimant previously submitted an Initial Questionnaire, asserting her entitlement to a Swiss bank account owned by Emil Muller from Brno, Czechoslovakia.

Information Available in the Bank Record

The bank record consists of a list, dated 1 January 1999, of accounts that have been inactive since 1945. According to this record, the Account Owner was Emile Muller from an unknown country. The bank record indicates that the Account Owner held a savings/passbook account. The bank record indicates that on 1 January 1999 the amount in the account was 0.27 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name matches the unpublished name of the Account Owner. The CRT notes that the bank record does not contain any specific information about the Account Owner other than his name. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Muller, and indicates that he resided in Czechoslovakia and that his date of death was 18 October 1942, 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 Claimant spells her grandfather's first name *Emil* and that it appears as *Emile* in the bank record. However, because the account was opened in the French-speaking part of Switzerland, and because the only available bank record consists of a list from the Bank's database from 1999, the CRT considers it plausible that the names are one and the same. In support of her claim, the Claimant submitted documents, including her grandfather's death certificate and inheritance certificate. 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 perished in the Theresienstadt concentration camp on 18 October 1942.

As noted above, a database containing the names of victims of Nazi persecution includes a person named Emil Muller and indicates that he resided in Czechoslovakia and that his date of death was 18 October 1942, which matches the information about the Account Owner provided by the Claimant.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner is her maternal grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

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 maternal grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 savings/passbook account. The bank records indicate that the value of the savings account as of 1 January 1999 was 0.27 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 9,960.00 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
March 11, 2003