

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Karoline Müller

Claim Number: 217500/TW

Award Amount: 96,333.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of [REDACTED].¹ This Award is to the unpublished account of Karoline Müller (the “Account Owner”) at the [REDACTED] (the “Bank”).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 great-grandmother, Karoline Müller, née Tobias, who was married to [REDACTED], a businessman. The Claimant stated that her great-grandmother resided in Gelsenkirchen, Germany. The Claimant further explained that her great-grandparents had one son, Dr. [REDACTED], the Claimant’s maternal grandfather. The Claimant stated that her great-grandmother, who was Jewish, perished together with the rest of her relatives in the Holocaust, although the Claimant was unable to specify the circumstances or date of her great-grandmother’s death. In e-mail correspondence with the CRT, dated 31 December 2002, the Claimant stated that her great-grandfather, [REDACTED], traveled to Switzerland on business, had many business contacts abroad, and that her grandfather, [REDACTED], and her mother, [REDACTED], née [REDACTED], also traveled to Switzerland. In this correspondence, the Claimant also indicated that she did not know her great-grandmother’s date of birth. According to the Claimant, Dr. [REDACTED], who was a medical doctor, committed suicide in Berlin, Germany, on 23 June 1938, after he was threatened with deportation to a concentration camp. The Claimant stated that

¹ The CRT did not locate an account belonging to the Claimant’s relative Dr. [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

all [REDACTED]'s children are deceased. In support of her claim, the Claimant submitted [REDACTED]'s birth certificate, indicating that he was born in 1881 and identifying his mother as Karoline Müller, who was Jewish and resided in Gelsenkirchen; the death certificates of [REDACTED] and [REDACTED], née [REDACTED]; the Claimant's mother's birth certificate indicating that her parents are [REDACTED] and [REDACTED]; née [REDACTED]; and her own birth certificate, identifying her mother as [REDACTED].

The Claimant indicated that she was born on 18 February 1949 in Berlin, Germany.

Information Available in the Bank's Record

The Bank's record consists of a list of dormant savings accounts, dated December 1971. According to this record, the Account Owner was Karoline Müller who was born in 1841, but the record does not show the country of residence of the Account Owner. The Bank's record indicates that the Account Owner held a savings/passbook account numbered 16614. According to the Bank's record, there was no contact with the Account Owner for at least 25 years.

The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), indicated that the account was transferred on 31 December 1971 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 7,301.70 Swiss Francs ("SF"). The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandmother's name matches the unpublished name of the Account Owner. The Bank's record indicates that the Account Owner's year of birth was 1841. The CRT notes that the Claimant could not provide her great-grandmother's year of birth. The CRT further notes however that the Claimant submitted [REDACTED]'s birth certificate, which indicates that he was born to Karoline Müller in 1881. The CRT determines that it is therefore plausible that the Claimant's great-grandmother could have been born in 1841. In support of her claim, the Claimant submitted documents, including her grandfather's birth certificate, indicating that his mother was Karoline 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. Furthermore, 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 Germany, and that she perished in the Holocaust.

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 great-grandmother. These documents include her grandfather's birth certificate, identifying his mother as the Account Owner, Karoline Müller; her mother's birth certificate, indicating that her father is [REDACTED]; and her birth certificate indicating that her mother is [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation indicated that on 31 December 1971, 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") (see Appendix A). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-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 savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of December 1971 was SF 7,301.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 405.00 Swiss Francs, which reflects standardized bank fees charged to the savings/passbook account between January 1945 and December 1971. There is no evidence in the Bank's record that the account was credited with interest. Consequently, the adjusted balance of the savings/passbook account is SF 7,706.70. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 96,333.75.

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
18 August 2004