

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to [REDACTED]

in re Account of W. Müller

Claim Number: 213535/DE; 736433/DE

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of W. Müller (the “Account Owner at the Seefeld (Zurich) branch of the [REDACTED] (the “Bank”).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 and an Initial Questionnaire identifying the Account Owner as his father, Wolf Müller, who was born in 1870 in Ganya, Hungary (today Ganichi, Ukraine) and was married in 1907 to [REDACTED], née [REDACTED], in Sapinta, Hungary (today Romania). The Claimant stated that his parents, who were Jewish, resided at Dubâlarilor 9 in Kolozsvar, Hungary (today Cluj, Romania) from 1918 until 1944. The Claimant further stated that his father was the son of [REDACTED] and [REDACTED] and that he worked as a community official.

According to the Claimant, following the Nazi alliance with Romania, the family’s jewelry, apartment, and other assets were confiscated by the Nazis. The Claimant explained that his father was deported to the Kolozsvar ghetto in May 1944, where he perished, and that his mother was deported to Auschwitz, where she perished in June 1944.

The Claimant submitted copies of: (1) his own birth certificate issued on 16 December 1958 in Cluj, Romania, indicating that [REDACTED] was born to Wolf Müller, age 52, and [REDACTED], age 38, in Cluj, Romania on 2 July 1922 and that the birth was registered on 4 August 1922; (2) his own identity card indicating that [REDACTED] is the son of Wolf and [REDACTED], that he was born on 2 July 1922, and that he resides in Cluj; and (3) a document dated 19 January 2001 issued by the District Authority in Cluj, indicating that [REDACTED]

was a victim of racial and ethnic persecution during the Nazi occupation of Cluj and is therefore entitled to reparations in accordance with the law.

The Claimant indicated that he was born on 2 July 1922 in Kolozsvár, Hungary (today Cluj, Romania).

Information Available in the Bank's Records

The Bank's records consist of a list of suspended accounts and a print out from the Bank's data base. According to these records, the Account Owner was W. Müller. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account of unknown type.

The Bank's records indicate that the account was transferred to a suspense account on 19 August 1975. The balance of the account on the date of its transfer was 11.75 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 father's first initial and last name matches the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his last name and first initial.

In support of his claim, the Claimant submitted documents, including: his own birth certificate indicating that [REDACTED] is the son of Wolf Müller and his own identity card indicating that [REDACTED] is the son of Wolf Müller.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by [REDACTED] on 16 July 1956 who indicates that she is Wolf Müller's daughter. This page of testimony indicates that Wolf Müller was born in 1870 to [REDACTED], that he was married to [REDACTED], and that he resided in Cluj (Kolozsvár) before being deported to the Cluj ghetto, where he perished. This matches the information 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 there are no other equally plausible 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 he lived in Nazi occupied Hungary, that his belongings were confiscated, that his wife perished in Auschwitz, and that he was deported to the Kolozsvar ghetto where he perished.

As noted above, a person named Wolf Müller was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include: his own birth certificate indicating that [REDACTED] was born to Wolf Müller and his own identity card indicating that [REDACTED], is the son of Wolf Müller.

The CRT notes that the Claimant 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 auditors report indicates that 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. Second, the Claimant has plausibly demonstrated that the Account Owner was his father 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 records indicate that the value of the account of unknown type as of 19 August 1975 was SF 11.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 465.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1975. Consequently, the adjusted balance of the account at issue is SF 476.75. 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 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.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 September 2009