

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Khana B. Rozenblyum

in re Account of Israel Nagler

Claim Number: 214281/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Khana B. Rozenblyum, née Steingart (the “Claimant”) to the account of Israel Nagler (the “Account Owner”) at the Zurich branch of the [REDACTED]. (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as her paternal uncle, Israel M. Steingart, who was born in May 1894 and who never married nor had any children. The Claimant stated that her uncle lived in the Soviet Union and that he left the country in 1922 to escape persecution because of his homosexuality. According to the Claimant, her uncle, who also was Jewish, emigrated to Poland and took his mother’s maiden name, Nagler, as a surname. The Claimant stated that her uncle lived in Lodz and Krakow prior to Nazi occupation. The Claimant indicated that her uncle owned a leather-manufacturing factory and that he told her that the revenue from his business was deposited in a Swiss bank. The Claimant also indicated that her uncle owned a company which sold his leather products in Zurich, Switzerland. The Claimant stated that her uncle died in the Lodz ghetto in 1943, and that she is her uncle’s only surviving relative. The Claimant asserted that she was born on 22 January 1921 in the Ukraine.

Information Available in the Bank Records

The bank records consist of extracts from suspense account ledgers and balance statements. According to these records, the Account Owner was Mr. Israel Nagler who resided in Poland. The bank documents indicate that the Account Owner held a demand deposit account at the Zurich branch of the Bank, and that the amount in the account as of 15 September 1948, when it

was transferred to a suspense account, was 316.00 Swiss Francs. These documents also show that the account was closed by fees and charges on 20 March 1985.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name and country of residence match published information about the Account Owner contained in the bank records. The Claimant's relative lived in Poland after 1922, and he used his mother's maiden name, Nagler, as a surname, which matches the Account Owner's last name.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Israel Steingart, 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 her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank bears the same name as her relative, but on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

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 homosexual and died in the Lodz ghetto in 1943.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by providing detailed information about her uncle as well as a family tree. The Claimant further stated that she was the Account Owner's only surviving relative.

The Issue of Who Received the Proceeds

The bank records indicate the account was closed on 20 March 1985 as a result of the imposition of bank fees.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her paternal uncle, 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

The bank records indicate that the value of the demand deposit account as of 15 September 1948 was 316.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 60.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is 376.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 8,988.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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