

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alice Neumann

Claim Number: 401748/WT

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Alice Neumann (the “Account Owner”) at the Zurich branch of the [REDACTED], which in 1945 was absorbed by the [REDACTED] (the “Bank”).¹

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 his maternal grandmother, Alice Neumann, née Neumann, who was Jewish, was born on 29 November 1883 or 1884 in Vienna, Austria, and was married to [REDACTED] on 17 September 1905 in Vienna. The Claimant stated that his grandparents had a daughter, [REDACTED], who was the Claimant’s mother. The Claimant explained that his grandparents lived at Hasenauer Strasse 30 in Vienna until after the incorporation of Austria into the Third Reich in March 1938 (the “*Anschluss*”). According to the Claimant, after the *Anschluss*, his grandparents’ property was confiscated, and they fled Austria to Havana, Cuba and then to the United States. The Claimant stated that his grandmother died on 28 March 1973 in New York, New York.

In support of his claim, the Claimant submitted copies of: (1) his grandmother’s birth certificate, issued by the Jewish Community of Vienna (*Isr. Kultusgemeinde Wien*), indicating that Alice Neumann was born on 29 November 1883 to [REDACTED] and [REDACTED], née [REDACTED]; (2) his grandparents’ wedding certificate, issued by the Jewish Community of Vienna, indicating that Alice Neumann, née Neumann, who was born on 29 November 1883 in Vienna, Austria, married [REDACTED] on 17 September 1905 in Vienna; (3) his mother’s

¹ The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”), the name A. Neumann also appears. Upon careful review, the CRT has determined that A. Neumann is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as his relative.

wedding certificate, indicating that [REDACTED] married [REDACTED] on 30 June 1925 in Vienna, that she was the daughter of [REDACTED] and Alice Neumann, and that she lived at Hasenauerstrasse 30; (4) his own birth certificate, indicating that [REDACTED] was born on 8 May 1928 in Vienna to [REDACTED] and [REDACTED], née [REDACTED]; (5) his mother's naturalization certificate, indicating that [REDACTED], who was born on 8 August 1906 in Vienna and who was a widow, became a United States citizen on 20 June 1955; (6) his grandmother's naturalization certificate, indicating that Alice Neumann, who was born on 29 November 1884, became a United States citizen on 18 December 1961; (7) his grandmother's death certificate, indicating that Alice Neumann, who was born on 29 November 1884 in Vienna and who was the widow of [REDACTED], died on 28 May 1973 in New York City; (8) his mother's death certificate, indicating that [REDACTED], who was born on 8 August 1908 in Vienna and who was the daughter of [REDACTED] and Alice Neumann, died on 13 December 1980 in New York City; and (9) his mother's will, indicating that [REDACTED], who died on 13 December 1980 in New York, left as her sole heir her son [REDACTED].

The Claimant indicated that he was born on 8 May 1928 in Vienna, Austria.

Information Available in the Bank's Records

The CRT notes that 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") did not report an account belonging to Alice Neumann during their investigation. The documents evidencing accounts belonging to Alice Neumann were obtained from the Swiss Federal Archive and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Alice Neumann, numbered 172. These records indicate that the Account Owner was Alice Neumann, who lived at Hasenauerstrasse 30, Vienna, Austria.

The documents indicate that the Account Owner originally held one demand deposit account at the Zurich branch of the Bank. The records further indicate that the account had a balance of 135.00 Swiss Francs ("SF") as of 1 September 1963.

According to a document, dated 29 October 1965, the Registration Office for Assets of Missing Foreigners (the "Registration Office") ("*Meldestelle für Vermögen verschwundener Ausländer*") requested that the Custody Office of the city of Zurich ("*Vormundschaftsbehörde der Stadt Zürich*") entrust the assets to a custodian, as prescribed by the Federal Decree, and that such a

custodian was appointed in 1966. The records from the Swiss Federal Archive do not refer to the ultimate disposition of the assets. There is no evidence in the records of the Swiss Federal Archive that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's street address, which matches information about the Account Owner contained in the records of the Swiss Federal Archive.

In support of his claim, the Claimant submitted documents, including: (1) his grandmother's birth certificate, indicating that Alice Neumann was born on 29 November 1883; (2) his grandparents' wedding certificate, indicating that Alice Neumann, née Neumann, married [REDACTED] on 17 September 1905 in Vienna; (3) his mother's wedding certificate, indicating that [REDACTED] was the daughter of [REDACTED] and Alice Neumann, and that she lived at Hasenauerstrasse 30; (4) his grandmother's naturalization certificate, indicating that Alice Neumann became a United States citizen on 18 December 1961; and (5) his grandmother's death certificate, indicating that Alice Neumann died on 28 May 1973 in New York City. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same street address recorded in the records of the Swiss Federal Archive as the name and street address of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence of 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 after her family's property was confiscated in 1938 they fled to Havana, Cuba before reaching the United States.

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 grandmother. These documents include his mother's death certificate, indicating that [REDACTED] Beck was the daughter of [REDACTED] and Alice Neumann, and his mother's will, indicating that [REDACTED] left as her sole heir her son [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the account was registered in the 1962 Survey; that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumption (h) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 his 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 demand deposit account. The Swiss Federal Archive records indicate that the value of the demand deposit account as of 1 September 1963 was SF 135.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 420.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he 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
30 May 2008