

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Herbert [REDACTED]

in re Account of Herbert Neumann

Claim Number: 220888/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Herbert [REDACTED], formerly Neumann, (the “Claimant”) to the published account of Herbert Neumann (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 himself. The Claimant stated that he was born on 17 July 1924 in Vienna, Austria, as Herbert Max Neumann, the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that he lived with his parents in Vienna at Führichgasse 10, until 1936, when he moved to Brno, Czechoslovakia. According to the Claimant, his father was the owner of a textile engineering business, named *Matthias Nowitzky*, which exported its products to various countries, including Switzerland.

The Claimant stated further that he is Jewish and that he went from Czechoslovakia to the United Kingdom in the summer of 1938. The Claimant explained that his parents fled to Shanghai, China, after the Nazi occupation of Czechoslovakia. The Claimant explained further that he was reunited with his parents in the United States in 1941, and that he changed his last name from Neumann to [REDACTED] at that time. The Claimant indicated that he served in the United States Army from 1943 to 1946.

In a telephone conversation with the CRT on 22 June 2004, the Claimant explained that his

¹ The Claimant submitted an additional claim to the account of Hans Neumann, which is registered under the Claim Number 220900. The award In re Account of Hans Neumann was released to the Claimant on 12 August 2002.

parents might have opened an account in a Swiss bank in his name. The Claimant lives in Newport Beach, California, the United States. In support of his claim, the Claimant submitted his birth certificate showing that he was born Herbert Max Neumann on 17 July 1924 in Vienna, Austria, and a declaration of intention to seek United States citizenship, dated 12 March 1943, showing that the Claimant changed his last name from Neumann to [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of a list of accounts and a printout from the Bank's database. According to these records, the Account Owner was Herbert Neumann. The Bank's records do not contain information about the place of residence of the Account Owner.

The Bank's records indicate that the Account Owner held one account, but do not indicate its type. According to these records, the account was transferred to the Bank's profit and loss account on 30 June 1937. The amount in the account on the date of its closure was 1.10 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's name matches the published 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 name. In support of his claim, the Claimant submitted his birth certificate, providing independent verification that he had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that he is Jewish and that he lived in Czechoslovakia until the summer of 1938, when he moved to the United Kingdom. The Claimant stated further that his parents fled Czechoslovakia after its occupation by Nazi Germany.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was taken into the Bank's profit and loss account on 30 June 1937.

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”). Second, the Claimant has plausibly demonstrated that he is the Account Owner. Third, the CRT has determined that the Account Owner did not receive 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 as of 30 June 1937 was SF 1.10. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, 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.

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 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
18 August 2004