

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 Erik Nitsche-Homberger

Claim Number: 210959/SJ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Erik Nitsche-Homberger (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 husband, Erik Fredi Nitsche, who was born in Lausanne, Switzerland, in 1908. The Claimant indicated that she married her husband in 1932 in Munich, where they lived until 1933. The Claimant stated that her husband, who was Jewish, was a graphic artist/designer and studied in Switzerland and Paris, France, where he lived in the early 1930s. Between 1933 and 1935 he lived in Lausanne and Geneva in Switzerland, and in 1935 he moved to Hollywood, California. He remained in the United States until he passed away in 1998 in Danbury, Connecticut. The Claimant and her husband had two children: [REDACTED] and [REDACTED], who is representing the Claimant in these proceedings. In support of her claim, the Claimant submitted a confirmation of residence issued by the German authorities on 20 July 1933 in Munich, Germany, also confirmed by the Swiss authorities on 26 July 1933 in Geneva, Switzerland, identifying her as [REDACTED], who was married to Erik Nitsche. The claimant also provided a copy of her family tree; a letter from her husband (bearing his signature) stating that he would write again with “final news from Paris;” and an excerpt from the book *Who’s Who in the East* with an entry for Erik Nitsche indicating that he was married to [REDACTED] and was a designer who

¹ The Claimant submitted three Claim Forms, which were registered under Claim Numbers 210957, 210958 and 210959. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 210959.

studied in Switzerland, Munich and Paris. Finally, the Claimant indicated that she was born on 28 August 1910 in Munich.

Information Available in the Bank's Record

The Bank's record consists of an extract from a suspense account ledger. This record indicates that the Account Owner was Erik Nitsche-Homberger of Quai de Gronelle 39, Paris, France. The record also indicates that the Account Owner held an account of unknown type numbered 407.855. The record demonstrates that on 13 February 1976, the account was transferred to a suspense account, which is a grouping of open and dormant accounts. The account remains open and dormant. On 13 February 1976, the account balance was 72.50 Swiss Francs.

The CRT's Analysis

Identification of the Account Owner

The Claimant's husband's name and her own maiden name match the published names of the Account Owner. The Claimant's son, who is representing her in these proceedings, noted in a letter to the CRT that the account was a joint account of his parents. The CRT notes that the only available bank document is from 1976, and that it is plausible that the bank employee who created the record combined the names of both husband and wife in the record of the Account Owner as Erik Nitsche-Homberger. The Claimant identified her husband's connection to Paris, France, which matches the published address of the Account Owner. The CRT further notes that the Claimant submitted documents in support of her claim identifying her as [REDACTED], who was married to Erik Nitsche, including an excerpt from the book *Who's Who in the East* with an entry for Erik Nitsche indicating that he was married to [REDACTED]. In addition, the CRT notes that the name Nitsche-Homberger appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that the other claims to this account were disconfirmed due to different names. 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, and that he was forced to flee Germany in 1933.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that he was her husband.

The Issue of Who Received the Proceeds

The Bank's record indicates the account was transferred to a suspense account on 13 February 1976 and remains open and dormant.

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 the Account Owner was her husband, and that relationship justifies an Award. Finally, 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 record indicates that the value of the account as of 13 February 1976 was 72.50 Swiss Francs. According to Article 29 of the Rules, if the amount of an unknown type of account 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 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

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
July 15, 2003