

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of M. Ofner

Claim Number: 150093/LH

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 Mabro Moris Offner. This Award is to the unpublished account of M. Ofner (the “Account Owner”) at the St. Moritz branch of the [REDACTED] (the “Bank”).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 identifying the Account Owner as her father, Mabro (Moris) Offner (Ofner), who was born in Vukovar, Yugoslavia (now Croatia), and was married to [REDACTED], née [REDACTED]. The Claimant stated that her father, who was Jewish, resided in Vukovar and was an affluent merchant. According to the Claimant, her father perished during the Holocaust along with the rest of her family.

The Claimant indicated that she was born on 1 January 1918 in Austria-Hungary.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was M. Ofner. The Bank’s record does not include the Account Owner’s domicile. This record indicates that the Account Owner held an account, the type of which is not indicated, which was transferred to a suspense account on 14 August 1954. The amount in the account on the date of its transfer was 1,000.00 Swiss Francs (“SF”). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's first initial and surname match the unpublished first initial and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his first initial and surname.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant in 1955, in which she indicated that Moritz Ofner was born on 24 November 1883 in Vukovar, Yugoslavia, and was married to [REDACTED], née [REDACTED]. This database also indicates that Moritz Ofner perished during the Second World War in 1941 in Vukovar, which matches the information about the Account Owner 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 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, and that he perished in the Holocaust. As noted above, a person named Moritz Ofner was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 14 August 1954 to a suspense account, where it remains today.

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 her 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 an account, the type of which is not indicated. The Bank’s records indicate that the value of the account as of 14 August 1954 was SF 1,000.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to the unknown type of account between 1945 and 1954. Consequently, the adjusted balance of the account at issue is SF 1,150.00. 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.

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
24 October 2008