

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of W. Orłowski**

Claim Number: 717137/MBC<sup>1</sup>

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 Froim Orłowski.<sup>2</sup> This Award is to the unpublished account of W. Orłowski (the “Account Owner”) at the Zurich-Seefeld branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire identifying herself the Account Owner; the Claimant was born on 25 December 1937 in Kiev (now Kyiv), the Ukraine to [REDACTED]. The Claimant indicated that she and her family, who were Jewish, resided in Kiev, where her father was the manager of a department store and food store. The Claimant, who was a young child during the Second World War, further indicated that her family’s assets were looted by the Nazis in September 1941 and that her father served in the Soviet army from 1941 to 1945. Finally, the Claimant indicated that her father died in Kiev on 13 April 1989.

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<sup>1</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999, she submitted an Initial Questionnaire (“IQ”), numbered HEB-0163026, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 717137.

<sup>2</sup> The CRT did not locate an account belonging to Froim Orłowski in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

## **Information Available in the Bank's Records**

The Bank's records consist of a list of suspended accounts and a printout from the Bank's database. According to these records, the Account Owner was W. Orłowski. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank on 24 September 1974, when it contained a balance of 102.00 Swiss Francs ("SF"). The account remains open and dormant.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's name matches the unpublished first initial and surname 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 or her first initial and surname. The CRT notes that the Claimant was a young child at the time the account was opened but finds it plausible that her parents or other family member opened the account in her name. 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 she is Jewish, and that she resided in the Nazi-occupied Ukraine, where her family's assets were looted in September 1941.

### The Claimant's Relationship to the Account Owner

As determined above, the Claimant has plausibly demonstrated that she is the Account Owner.

### The Issue of Who Received the Proceeds

The Bank's records indicate that the account 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 (the "Rules"). Second, the Claimant has plausibly demonstrated that she is the Account Owner. Third, the CRT has determined that neither the Account Owner nor her relatives 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 records indicate that the value of the account as of 24 September 1974 was SF 102.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 450.00, which reflects standardized bank fees charged to the account between 1945 and 1974. Consequently, the adjusted balance of the account at issue is SF 552.00. 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  
12 October 2007