

# 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 Elsbeth Oster and Elsbeth Muehleemann**

Claim Number: 400909/MI<sup>1</sup>

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Klara Oster.<sup>2</sup> This Award is to the unpublished account of Elsbeth Oster (“Account Owner Oster”) and Elsbeth Muehleemann (“Account Owner Muehleemann”) (together the “Account Owners”) at the Birsfelden branch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 Account Owner Oster as his mother, Elisabeth Oster, née Haas, who was born on 14 July 1900 in Bad Kreuznach, Germany, and was married to [REDACTED]. The Claimant indicated that his mother, who was Jewish, lived at Blumenstrasse 15 in Cologne, Germany, until 1941, when she and her family were deported to the Lodz ghetto, where she performed slave labor until 1944. The Claimant further indicated that his father was murdered in Lodz in 1942, that his mother perished in Auschwitz in 1944, and that he is the sole survivor of his entire family.

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<sup>1</sup> Claimant [REDACTED] (the “Claimant”) submitted six additional claims, which are registered under the Claim Numbers 202870, 400914, 400923, 400928, 500286 and 500287. With respect to claim numbers 202870 and 500286, the CRT will treat these claims in separate determinations. With respect to claim numbers 400914 and 400928, in separate decisions, the CRT awarded the account of Rudolf Haas to the Claimant and treated the Claimant’s claim to the account of Friedrich Haas. See *In re Account of Rudolf Haas* (approved on 27 February 2007) and *In re Account of Friedrich Haas* (approved on 19 March 2007), respectively. With respect to claim number 400923, in a separate decision, the CRT treated the Claimant’s claim to the account of Siegfried Kahn. See *In re Account of Siegfried Kahn* (approved on 19 March 2007). Finally, with respect to claim number 500287, in a separate decision, the CRT awarded the account of Katharina Haas to the Claimant. See *In re Account of Katharina Haas* (approved on 8 August 2007).

<sup>2</sup> In a separate decision, the CRT treated the Claimant’s claim to the account of Klara Oster. See *In re Account of Klara Oster* (approved on 19 March 2007).

The Claimant submitted a copy of his own American passport, issued on 18 October 2001, indicating that [REDACTED] was born on 5 November 1928 in Germany.

The Claimant indicated that he was born on 5 November 1928 in Cologne.

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

The Bank's record consists of a list of suspended accounts, created by 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"). According to this record, the Account Owners were Elsbeth Oster and Elsbeth Muehlemann. The CRT notes that the record does not specify whether Elsbeth Oster and Elsbeth Muehlemann refers to two different persons or whether one was the Account Owner's maiden name. In the absence of evidence to the contrary, the CRT shall treat the names as if they referred to two different persons.<sup>3</sup>

The auditor's report does not indicate the Account Owners' domicile. The auditor's report indicates that the Account Owners held a savings/passbook account, numbered 240.000.002-9. The auditor's report indicates that the account was transferred to a suspense account on 31 December 1971. The amount in the account on the date of its transfer was 9.60 Swiss Francs ("SF"). The account remains suspended.

### **The CRT's Analysis**

#### Identification of the Account Owners

The Claimant's mother's name matches the unpublished name of Account Owner Oster.<sup>4</sup> The CRT notes that the auditor's report does not contain any specific information about the Account Owners other than their names.

The CRT notes that the Claimant did not identify Account Owner Muehlemann. However, the CRT notes that there is no indication in the auditor's report that the Account Owners were related, and therefore determines that it is plausible that the Claimant would not know the names of all of his relative's acquaintances and business associates, and that the Claimant's failure to identify Account Owner Muehlemann does not adversely affect the plausibility of his identification of Account Owner Oster. The CRT further 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 Account Owner Oster.

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<sup>3</sup> 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") assigned different name identification numbers to these two names. While this fact alone does not conclusively demonstrate that the names refer to two different persons, the CRT has considered this fact in its determination to treat the names as referring to two individuals in this case.

<sup>4</sup> The CRT notes that Elsbeth and Elisabeth are variations of the same name.

### Status of Account Owner Oster as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Oster was a Victim of Nazi Persecution. The Claimant stated that Account Owner Oster was Jewish, that she lived in Nazi Germany until 1941, when she was deported to the Lodz ghetto, where she performed slave labor, and that she perished in Auschwitz in 1944.

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

The Claimant has plausibly demonstrated that he is related to Account Owner Oster by submitting specific biographical information, demonstrating that Account Owner Oster was the Claimant's mother. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT notes that the Claimant submitted a copy of his own passport, which provides independent verification that the Claimant bears the same family name as Account Owner Oster. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Oster was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Oster, as he has asserted in his Claim Form.

### The Issue of Who Received the Proceeds

The auditor's report indicates that, on 31 December 1971, the account was transferred 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 Account Owner Oster was his mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owners held one savings/passbook account. The auditor's report indicates that the value of the savings/passbook account as of 31 December 1971 was SF 9.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 405.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1971. Consequently, the adjusted balance of the account at issue is SF 414.60. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

### Division of the Award

According to Article 25(2) of the Rules, in cases where the joint account is claimed by relatives of only one or some of the joint account owners, it shall be presumed that the account was owned as a whole in equal shares by the account owners whose shares of the account have been claimed. Accordingly, the Claimant is entitled to the entire award amount.

### **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  
20 December 2007