

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
also acting on behalf of [REDACTED] and [REDACTED]

## **in re Accounts of Josef and Hilda Palugyay**

Claim Numbers: 222174/PY; 222175/PY

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Josef and Hilda Palugyay (the “Account Owners”) at the Zurich 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 two Claim Forms identifying the Account Owners as his paternal uncle and aunt, Josef Palugyay, who was born in 1890 in Presburg, Czechoslovakia, and Hilda Palugyay, née [REDACTED], who was born in 1892. The Claimant stated that his uncle and aunt, who resided in Vienna, Austria, had no children. According to the Claimant, his uncle was a medical doctor. The Claimant stated that his uncle and aunt were persecuted by the Nazis because of his aunt’s Jewish origins. The Claimant further stated that his uncle and aunt died in Vienna. The Claimant could not provide his uncle’s date of death, but stated that Hilda Palugyay died in 1986.

The Claimant indicated that he was born on 8 September 1945 in Tovarniky, Czechoslovakia. The Claimant is representing [REDACTED], his brother, who was born on 6 October 1939 in Bratislava, Czechoslovakia, and his sister, [REDACTED], née [REDACTED], who was born on 11 February 1938, also in Bratislava.

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

The Bank’s records consist of a letter, dated 17 March 1938, from the Zurich branch of the Bank to the Bank’s executive board in Basel, indicating that it would soon complete a

list of over 1,000 custody accounts belonging to Austrian clients, as well as a copy of the Swiss federal legislation relating to foreign exchange transactions with Austria as of 23 March 1938. Also included in the Bank's records is a list of accounts transferred to German or Austrian banks in 1938. According to these records, the Account Owners were Prof. Dr. Josef Palugyay and *Frau* (Mrs.) Hilda Palugyay, who resided in Vienna, Austria at Pokornygasse 23. The Bank's records indicate that the Account Owners held a custody account and a demand deposit account, both of which were numbered 32624.

The Bank's records further indicate that the accounts were transferred on 1 April 1938 to the *Oesterreichische Creditanstalt-Wiener Bankverein* in Vienna. The amount in the custody account on the date of its transfer was 5,325.00 Swiss Francs, while the amount in the demand deposit account on the date of its transfer was 1,321.50 Swiss Francs. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His uncle's and aunt's names and city of residence match the published names and city of residence of the Account Owners. The CRT notes that while the Account Owners' names were published separately on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimant identified the Account Owners as being related, which matches unpublished information contained in the Bank's records. The Claimant also identified the fact that his uncle was a doctor, which is consistent with his title contained in the Bank's records, which matches unpublished information about his uncle. Furthermore, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that his uncle and aunt were persecuted by the Nazis because of his aunt's Jewish origins. The CRT notes that the Account Owners were persecuted is also evident in the confiscation of their accounts by Nazi authorities.

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

The Claimant has plausibly demonstrated that the Account Owners were his paternal uncle and aunt by submitting specific biographical information about his relatives, including unpublished information about his uncle and aunt, as contained in the Bank's records. The CRT also notes that the Claimant and the Claimant's brother and sister, whom the Claimant is representing in these proceedings, have the same surname as the Account Owners, which supports the plausibility of the relationship between the Account Owners and the Claimant.

### The Issue of Who Received the Proceeds

The Bank's records indicate the accounts were paid to Nazi authorities.

### 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. Second, the Claimant has plausibly demonstrated that the Account Owners were his uncle and aunt, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owners held one custody account and one demand deposit account. The Bank's records indicate that the values of the custody account and demand deposit account as of 1 April 1938 were 5,325.00 Swiss Francs and 1,321.50 Swiss Francs, respectively. According to Article 29 of the Rules, if the amount in a custody account was less than 13,000.00 Swiss Francs, and if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the custody account shall be determined to be 13,000.00 Swiss Francs, and the amount in the demand deposit account shall be determined to be 2,140.00 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. Consequently, the total award amount in this case is 189,250.00 Swiss Francs.

### Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED], and his sister, [REDACTED]. Accordingly, the Claimant, and his brother and sister are each entitled to one-third of the total 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  
19 November 2003