

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marie Pascal

Claim Number: 004860/RS¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Avraham Pascal.² This Award is to the unpublished account of Marie Pascal (the “Account Owner”) at the [REDACTED] (the “Bank”).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 his mother, Miriam (Maria) Shain, formerly Berler, née Pascal, who was born on 7 May 1904 in Bacau, Romania. The Claimant stated that his mother’s parents both performed slave labor during the War, and that they were ultimately deported to concentration camps, where they perished. The Claimant indicated that his mother, who was Jewish, married [REDACTED] (the Claimant’s father); the Claimant’s parents later divorced, and the Claimant’s mother, who remarried, became known as Maria Shain. The Claimant indicated that his mother also had one daughter, [REDACTED]. According to the Claimant, in 1952, his mother moved to Israel, where she died in March 1985.

The Claimant submitted copies of: (1) his mother’s expired passports, indicating that Miriam Shain, née Pascal, was born in Bacau, Romania on 7 May 1904; (2) his mother’s death certificate, indicating that Miriam Shain was the daughter of [REDACTED], was born in Romania on 7 May 1904, and arrived in Israel in 1952; (3) his marriage certificate, indicating that his mother was named Maria, and that she resided in Bucharest; and (4) an abstract from the Israeli Population Registry indicating that the mother of [REDACTED] was Maria of Romania.

¹ Claimant [REDACTED] (the “Claimant”) submitted six additional claims, which are registered under the Claim Numbers 004862, 718339, 718340, 718728, 718729, and 718730. The CRT will treat these claims in separate determinations.

² The CRT will treat the claims to this account in a separate determination.

The Claimant indicated that he was born on 29 March 1929 in Bucharest, Romania.

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 Marie Pascal. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, which was suspended on 22 March 1973. The Bank's record indicates that the amount in the account on the date of its suspension was 1,321.60 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the unpublished name of the Account Owner.³ The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name.

In support of his claim, the Claimant submitted documents, including his mother's expired passports, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

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 or Target 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 she lived in Nazi-allied Romania during the Second World War. The Claimant also stated that the Account Owner's parents were both conscripted to perform slave labor during the war, and ultimately both perished in concentration camps.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include his marriage certificate, indicating that his mother's name was Maria; and an abstract from the Israeli Population Registry, indicating that his mother was named Maria. The CRT notes that the Claimant indicated that he has a sister, but that because

³ The CRT notes that the name Miriam is a Hebrew version of the name Maria, and that Maria and Marie are versions of the same name.

she is not represented in the Claimant's claim, the CRT will not treat her potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended on 22 March 1973, and that it remains suspended.

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 his mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. The Bank's record indicates that the value of the account as of 22 March 1973 was SF 1,321.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account between 1945 and 1973. Consequently, the adjusted balance of the account at issue is SF 1,756.60. According to Article 29 of the Rules, if the amount in an account of an 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 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
15 November 2007