

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Erich Peysack

Claim Number: 219747/MW

Award Amount: 68,337.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Erich Peysack. This Award is to the published account of Erich Peysack (the “Account Owner”) at the Basle branch of the [REDACTED] (“Bank I”) and to the unpublished account of the Account Owner at the [REDACTED] (“Bank II”) (together the “Banks”).

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 paternal great-uncle, Erich Peysack, who was born on 11 November 1895 in Germany and was married to [REDACTED]. The Claimant stated that his father’s family, including his great-uncle, lived in Königsberg, Germany, where his great-uncle was a jeweler. The Claimant further stated that his great-uncle, who was Jewish, fled Germany in the late 1930s to the United States, where he also worked as a jeweler. The Claimant indicated that his great-uncle passed away on 27 December 1960 in Los Angeles, California, the United States.

The Claimant submitted a detailed family tree; his own birth certificate, which indicates that his father’s name is [REDACTED]; his father’s 24 May 1949 United States Certificate of Naturalization, which indicates that he was previously a German citizen, and includes a Court Order changing his father’s name from [REDACTED] to [REDACTED]; and his father’s “Enlisted Record and Report of Separation Honorable Discharge” issued by the United States Army on 20 April 1947, which indicates that [REDACTED] was born on 26 March 1923 in Lyck, Germany.

The Claimant stated that he was born on 18 April 1957 in Orange, California, the United States.

Information Available in the Bank's Records

Bank I's records consist of a protocol issued by Bank I, dated 11 January 1950; a customer card; two account-registry cards; and a certificate of receipt from Bank II. According to Bank I's records, the Account Owner was Erich Peysack, whose place of domicile was unknown. Bank I's records indicate that the Account Owner deposited a sealed envelope in Bank I's custody on 6 December 1935. Bank I's records further indicate that on 11 January 1950, it opened the sealed envelope because the Account Owner had not been in contact with Bank I since depositing the sealed envelope. The records indicate that the sealed envelope contained a certificate of receipt issued by Bank II on 6 December 1935.

The certificate of receipt indicates that the Account Owner resided in Königsberg, Germany, and that he deposited 1,775.00 United States Dollars (US\$) into a newly opened demand deposit account at Bank II on 6 December 1935. The CRT notes that the auditors who carried out the investigation pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report the account at Bank II. Consequently, the CRT has no information about the disposition of the account held at Bank II.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name, city and country of residence match the published name, city and country of residence of the Account Owner. In support of his claim, the Claimant submitted numerous documents, including his father's "Enlisted Record and Report of Separation Honorable Discharge" issued by the United States Army on 20 April 1947, which indicates that his father, [REDACTED] was born on 26 March 1923 in Lyck, Germany. The CRT notes that Lyck, Germany, is presently known as Elk, Poland, and that it is only approximately 100 kilometers away from Königsberg, Germany (now known as Kaliningrad, Russia). The CRT thus concludes that the Claimant's father's family lived in the same vicinity as the Account Owner. The CRT also notes that the name Erich Peysack appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). 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 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 lived in Germany until the late 1930s, when he was forced to flee to the United States.

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 great-uncle. The CRT notes that the Claimant submitted a copy of a Court Order changing his father's name from [REDACTED] to [REDACTED]; and his father's "Enlisted Record and Report of Separation Honorable Discharge" issued by the United States Army on 20 April 1947, which indicates that [REDACTED] was born on 26 March 1923 in Lyck, Germany, providing independent verification that the Claimant's relatives bore the family name "Peysack." The CRT notes that the family tree submitted by the Claimant indicates that the Account Owner may have other surviving heirs. However, the CRT has received no other claims to these accounts from any of these relatives.

The Issue of Who Received the Proceeds

In the present case, the Account Owner held a demand deposit account at Bank II. The certificate of receipt issued by Bank II was deposited by the Account Owner in a sealed envelope in Bank I's custody. Bank I's records demonstrate that the Account Owner did not receive the content of the sealed envelope deposited at Bank I.

With regard to the demand deposit account at Bank II, given that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 Owner was his great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the content of the envelope deposited at Bank I, and that it is plausible that neither the Account Owner nor his heirs received the proceeds of the demand deposit account at Bank II.

Amount of the Award

In this case, the Account Owner held a sealed envelope in Bank I's custody and a demand deposit account. The CRT notes that the sealed envelope did not contain anything other than a certificate of receipt. Accordingly, no value is awarded for the sealed envelope. The certificate of receipt indicates that the value of the demand deposit account as of 6 December 1935 was

US\$ 1,775.00, which was the equivalent of 5,467.00 Swiss Francs (SF).¹ The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 68,337.50.

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
18 August 2004

¹ In calculating this amount, the CRT uses official exchange rates prevailing at the time.