

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marthe-Gertrude Picard-Ulmann

Claim Number: 213042/MBC; 601233/MBC¹

Award Amount: 12,003.13 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED], [REDACTED], and Clara Hess Picard.² This Award is to the unpublished account of Marthe-Gertrude Picard-Ulmann (the “Account Owner”) at the [REDACTED] (the “Bank”).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 and a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his paternal uncle’s sister-in-law, Martha Picard. The Claimant indicated that his relative’s parents were [REDACTED] and [REDACTED], née [REDACTED], and that they had four children: Clara (who was married to the brother of the Claimant’s father), [REDACTED], [REDACTED], and [REDACTED]. The Claimant further indicated that his relative’s parents, who were Jewish, owned a clothing manufacturing business in Schopfheim, Germany, until they fled Germany after the Nazis rose to power. The Claimant explained that Martha Picard resided in Basel, Switzerland during the Second World War, and

¹ The Claimant submitted a claim, numbered B-02199, on 26 April 2000, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601233.

² The CRT did not locate an account belonging to [REDACTED] or [REDACTED] 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”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. In a separate decision, the CRT awarded the account of Clara Hess to the Claimant. See *In re Account of Clara Hess* (approved on 2 January 2003).

that her sister, Clara Picard, attempted to enter Switzerland, but was denied entry. The Claimant further explained that Clara Picard was deported to a concentration camp in Riga, Latvia, where she perished in 1942. In support of his claim, the Claimant submitted an extract of records of the Jewish residents of Schopfheim through 1940, which indicates that [REDACTED] married [REDACTED], and that they had four children, Clara Hess, née Picard, [REDACTED], née [REDACTED], [REDACTED], and [REDACTED]. The Claimant indicated that he was born on 15 May 1921 in Frankfurt, Germany.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and Clara Hess, née Picard.

Information Available in the Bank's Record

The Bank's record consists of a list of dormant accounts at the Bank. According to this record, the Account Owner was Marthe-Gertrude Picard-Ulmann. The Bank's record indicates that the Account Owner held a savings/passbook account, which had a balance of 35.25 Swiss Francs ("SF") in 1999. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's relative'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. The CRT further notes that the Claimant was previously awarded the account of his aunt, Clara Hess, née Picard, based on the Claimant's identification of unpublished information about his relative's city of residence, which matched information in the Bank's record. In support of his claim, the Claimant submitted an extract of records of the Jewish residents of Schopfheim, which indicates that [REDACTED] married [REDACTED], and that they had a child named Martha Picard. This record provides independent verification that the person who is claimed to be the Account Owner had the same name and that her mother had the same maiden name as the Account Owner. The CRT notes that the Account Owner's first name is a hyphenated name, Marthe-Gertrude, and while the Claimant did not identify the second part of the name, Gertrude, the CRT concludes that this omission does not diminish the Claimant's overall identification of the unpublished name of the Account Owner.

Furthermore, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and a HCPO claim form in April 2000, asserting his entitlement to a Swiss bank account owned by Clara Hess, née Picard, and other members of the Picard family, prior to the

³ The CRT notes that the Claimant's relative's first name is Martha, while the Bank's record indicates that the Account Owner's first name is Marthe. However, the CRT notes that Martha is a common variation of the name Marthe and finds that this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account.

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 and her family were Jewish and lived in Germany until the Nazis came to power, when they fled. The Claimant stated that the Account Owner fled to Switzerland, but that her sister, Clara Hess, née Picard, was denied entry into Switzerland, and was subsequently deported to Riga, Latvia, where she perished in 1942.

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 a document, demonstrating that the Account Owner was the Claimant’s paternal uncle’s sister-in-law. This document indicates that [REDACTED] married [REDACTED], that they resided in Schopfheim, Germany, and that they had a child named Martha Picard. The CRT notes that the Claimant identified the unpublished name of the Account Owner, which supports the plausibility that he is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank’s record indicates 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 the Account Owner was his uncle’s sister-in-law, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 savings account. The Bank's record indicates that the value of the savings account as of 1999 was SF 35.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 960.25. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 12,003.13.

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 claims 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
14 December 2005