

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Dr. Susanne Bock

in re Account of Otto Pisk

Claim Number: 300138/PY

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Dr. Susanne Bock, née Hackl, (the “Claimant”) to the account of Otto Pisk (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal first cousin, Otto Pisk, who was born on 12 September 1917 in Vienna, Austria, and was married to Hermine Pisk in 1945. The Claimant indicated that Otto Pisk was the child of Hermann Pisk, who was the brother of Rosa Hackl, née Pisk, the Claimant’s mother. The Claimant stated that Otto Pisk, who was Jewish, resided in Vienna at Hockegasse 60/1, and worked as a machine supervisor. According to the Claimant, her cousin went into hiding when the deportation of Jews from Vienna began, and remained in hiding until the end of the Second World War. The Claimant stated that Otto Pisk died on 13 December 1982 in Vienna. In support of her claim, the Claimant submitted documents demonstrating that Otto Pisk was her cousin. The Claimant submitted her cousin’s birth certificate, indicating that he was born in Vienna to Hermann and Zäzilie Pisk; her uncle’s (Hermann Pisk’s) birth certificate, indicating that he was the child of Leopold and Amalie Pisk; her mother’s (Rosa Pisk’s) birth certificate, indicating that she was also the child of Leopold Pisk and Amalie Pisk, née Wiener; and the Claimant’s own birth certificate, indicating that her mother was Rosa Pisk. The Claimant stated that she was born on 13 May 1920 in Vienna.

Information Available in the Bank’s Record

The Bank’s record consists of a numbered account closing register. According to this record, the Account Owner was Dr. Otto Pisk, who resided in Vienna, Austria. The Bank’s record indicates that the Account Owner held an account of unknown type, numbered 62005. The account was

closed on 10 December 1938. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's cousin's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that in support of her claim, the Claimant submitted her cousin's birth certificate, her uncle's birth certificate, her mother's birth certificate and her own birth certificate, confirming that Otto Pisk was her cousin. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Otto Pisk, and indicates that his date of birth was 12 September 1917, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that the name Otto Pisk appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that there are no other claimants 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 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 was forced to go into hiding until the end of the Second World War to avoid Nazi persecution. As noted above, a person named Otto Pisk was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her own birth certificate and the birth certificates of her mother, the Account Owner and the Account Owner's father, demonstrating that the Claimant is the Account Owner's first cousin.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, the accounts of Austrian citizens who are Jewish are closed unknown to whom or were transferred to Nazi-controlled banks. Given the existence of Nazi confiscatory legislation in Austria at that time, the closure of the account without a record of its disposition, that there is no record of the payment of the Account Owner's account to him, that there is no indication in the records regarding who authorized the closure of the account, and the application of Presumptions (a), (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 her first cousin, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the “ICEP Investigation”), in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
August 7, 2003