

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of A. Pollak

Claim Number: 223313/MBC¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of A. Pollak (the “Account Owner”) 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 a Claim Form identifying the Account Owner as his maternal grandfather, Arthur Pollak, who was born in Iglau, Czechoslovakia, on 22 August 1880, and was married to [REDACTED], née [REDACTED]. The couple had four children: [REDACTED], who was born on 18 August 1910 and perished in Auschwitz in January 1943; [REDACTED], who was born on 31 January 1913 and perished in Treblinka in January 1942; [REDACTED], who was born on 31 January 1920 and died on 1 July 1965; and the Claimant’s mother, [REDACTED], who was born on 22 December 1911 and died in Paris, France, on 26 November 1997. The Claimant stated that his grandfather, who was Jewish, was a veterinarian and that he resided in several cities in Czechoslovakia between 1910 and 1930, namely Duba, Jachymov, and Podersam. The Claimant further indicated that his grandfather also resided in Vienna, Austria, at Lerchenfeldstrasse 66. The Claimant stated that according to his mother, his grandfather died in Podersam on 26 December 1932 as a result of an altercation he had with Nazi supporters. The Claimant indicated that his grandmother perished in Treblinka in October 1942. The Claimant further stated that he was born in Antibes, France, on 25 May 1943.

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 222312, 222314, 222315, 222316, 222317, 222318, and 222319, respectively. The CRT will treat the claims to these accounts in separate decisions.

In support of his claim, the Claimant submitted documents, including his grandfather's and his grandmother's birth certificates, and his parents' family booklet. The Claimant is representing his three siblings: [REDACTED], who was born on 17 July 1946 in Boulogne-Billancourt, France; [REDACTED], née [REDACTED], who was born on 21 October 1948 in Boulogne-Billancourt; and [REDACTED], who was born on 8 September 1944 in Carmaux, France.

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 A. Pollak, a medical doctor from Vienna. This document further shows that the account had been taken over by the heirs of A. Pollak at some point. The Bank's record does not indicate the type of account that the Account Owner held. The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors could not determine whether there was activity on this account after 1945. 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 has plausibly identified the Account Owner. His grandfather's name and city of residence match the published name and city of residence of the Account Owner. The Claimant identified his grandfather as a veterinarian, which is consistent with the unpublished information about the Account Owner's professional title ("Dr. med.") contained in the Bank's records. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different name, residence, and professional information than that of 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 indicated that his grandfather was Jewish and that he died on 26 December 1932 as a result of an altercation he had with Nazi supporters. While the Claimant's grandfather died before the Second World War, the beneficial owners of the account, the Account Owner's wife and two daughters, perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his grandfather's and grandmother's birth certificates, and his parents' family booklet, demonstrating that he and his siblings are the children of [REDACTED], who was the Account Owner's daughter.

The Issue of Who Received the Proceeds

Given the Account Owner's death in 1932, the death of his heirs in a concentration camp and the closure of his account without a record of its disposition, and 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 grandfather, 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 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, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23 of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his siblings. Therefore, the Claimant and his siblings are each entitled to receive one-fourth 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
June 23, 2003