

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Dora Pollak**

Claim Number: 201375/MBC<sup>1</sup>

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished accounts of Dora Pollak (the “Account Owner”) at the [REDACTED] (the “Bank’s”).

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’s have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Dora Pollak, née [REDACTED], who was born in Hlinsko, Czechoslovakia, on 19 May 1902, and was married to [REDACTED]. The Claimant stated that he is his parents’ only child. According to the Claimant, his mother resided in Hlinsko and at some point, moved to Vienna, Austria, where she lived on Rathausstrasse until 1938. The Claimant further stated that his mother, who was Jewish, fled to the United States after the Nazi annexation of Austria in March 1938 (the “Anschluss”). The Claimant indicated that his mother and his father passed away in New York on 13 February 2000, and in 1978, respectively. In support of his claim, the Claimant submitted documents including his mother’s birth and death certificates, his own birth certificate and his mother’s will.

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<sup>1</sup> The Claimant submitted an additional claim to the accounts of [REDACTED] and [REDACTED], which is registered under the Claim Number 601155. In a previous decision, the CRT awarded the Claimant three accounts, jointly held by [REDACTED] and [REDACTED]. The CRT will treat the claim to the account of [REDACTED] in a separate decision.

## **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Dora Pollak of Vienna. The Bank's record indicates that the Account Owner held one demand deposit account, and one custody account, numbered L7463. The demand deposit account was closed on 27 February 1938, and the custody account was closed on 17 March 1938. The amounts in the accounts on the dates of their closure are unknown. The Bank's record does not show to whom the accounts at issue were paid. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the unpublished name of the Account Owner. The Claimant stated that his mother resided in Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted his own birth certificate, issued in Vienna on 24 September 1933 by the Jewish community, showing that his mother was Dora Pollak which is independent verification that the person who is claimed to be the Account Owner resided in Vienna and is related to the Claimant. 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 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, who was Jewish, fled from Vienna to the United States after the *Anschluss*.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is Dora Pollak's only child.

### The Issue of Who Received the Proceeds

With regard to the account closed 27 February 1938, the CRT has decided not to reach a decision at this time, pending further consideration as to whether the or not the Account Owner or her heirs received the proceeds of the account.

With regard to the account closed 17 March 1938, 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 were closed unknown to whom or were transferred to Nazi-controlled banks.

Given the existence of Nazi confiscatory legislation in Austria at that time,<sup>2</sup> that there is no record of payment of the Account Owner's account to her, that the Account Owner and her heirs would not have been able to obtain information about her 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 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 in this case were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in determining 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

### Amount of the Award

The Account Owner in this case held one custody account. 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 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 162,500.00 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 his claim to determine whether there are additional Swiss Bank's accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss Bank's accounts which existed between 1933 and 1945).

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<sup>2</sup> As described in the expanded version of Appendix A (see II. A. 2), which appears on the CRT II website - [www.crt-ii.org](http://www.crt-ii.org).

**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