

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Joelle Rabner

in re Account of Avram Micu Rabner

Claim Number: 208127/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Joelle Amélie Rabner (the “Claimant”) to the account of Avram Micu Rabner (the “Account Owner”) at the Zurich branch of 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 paternal grandfather, Avram Micu Rabner, who was born on 25 December 1896 to Moise and Paulina Rabner in Braila, Romania, and was married to Elestine Avramovici on 29 May 1926 in Bucharest, Romania. The Claimant stated that her grandparents had one child named Paul Rabner, the Claimant’s father, who was born on 22 November 1928 in Bucharest. The Claimant further stated that her grandfather was a surgical dentist who resided in Foscan, Romania until 1926, when he moved to Romulus Street 83 in Bucharest, and then to Shrada Alexandru Lahovary, Bucharest. The Claimant further stated that from 1949 until 1953, her grandparents lived in Tel Aviv, Israel, and then moved to Paris, France, where they remained until their death. The Claimant stated that her grandfather died on 4 April 1972, her grandmother died in 1984, and that her father died on 29 April 1987, in Paris.

In support of her claim, the Claimant submitted documents including copies of her grandfather’s passports, which included his signature and his family’s photographs, her grandfather’s birth, marriage, and death certificates, and the marriage certificate of the Claimant’s parents. All of these documents repeat the above details and information regarding the Claimant’s grandfather and show that the Claimant is the sole heir of her grandparents. The Claimant stated that she was born on 7 July 1965

Information Available in the Bank Records

The bank records consist of extracts from ledgers listing frozen accounts and accounts where the customers are presumed deceased, and printouts from the Bank's database. According to these records, the Account Owner was Mr. Avram Micu Rabner, a Romanian national who was born on 25 December 1896. The name of the Account Owner appears on a list of frozen accounts held by customers residing in Romania. On the basis of the information available from this list, the Account Owner held an account of unknown type with a balance of 100.00 Swiss Francs on 20 August 1948. The bank records also indicate that, on 3 March 1994, the bank transferred the balance of the account into a collective account containing the assets of its customers who were presumably deceased.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her paternal grandfather's first, middle and family names, as registered in the various documents that the Claimant submitted, match those of the Account Owner. In addition, the Claimant stated that her grandfather's date of birth was 25 December 1896, which is identical to the unpublished birth date of the Account Owner contained in the bank documents. Moreover, the Claimant submitted documents and information showing that her grandfather resided in Romania until 1949, which matches the published information about the Account Owner contained in the bank records.

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 provided her grandparents' Jewish marriage certificate and has stated that the Account Owner was Jewish and was a target of Nazi Persecution while living in Bucharest, Romania during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was her paternal grandfather by submitting documents, including a copy of her grandfather's birth and death certificates, the marriage certificate of the Claimant's parents, and the Account Owner's will.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred by the Bank into a special account containing assets of its customers who were presumably deceased. Therefore, the account proceeds were not paid to the Account Owner or his heirs.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her 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

The bank records indicate that the value of the account as of 20 August 1948 was 100.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 60.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is 160.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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