

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Harry Herman Rozental
also acting on behalf of Ludwika Miller

in re Accounts of Bernard Rozental

Claim Number: 220170/AX

Award Amount: 76,125.00 Swiss Francs

This Certified Award is based upon the claim of Harry Herman Rozental (the “Claimant”) to the published accounts of Bernard Rozental (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 his father, Dr. Bernard Rozental, who was born on 13 June 1898 in Lodz, Poland, and was married to Julia Rozental, née Zarcyn. The Claimant indicated that couple had two children: the Claimant and the Claimant’s sister, Ludwika Miller. According to the Claimant, his father, who was Jewish, earned a doctorate in economics and was also a famous pianist. The Claimant further indicated that his family resided in Bucharest, Romania, until they were forced to flee in 1940. In a telephone conversation with the CRT on 13 April 2004, the Claimant indicated that his family’s street address in Bucharest was Olari 11. The Claimant indicated that his father died on 12 June 1959 in Milan, Italy. In support of his claim, the Claimant submitted an extract from the Lodz records stamped by the Ministry of Affairs in Bucharest, indicating that his father was Bernard Rozental and that his sister is Ludovica Rozental, and a copy of his passport indicating that the Claimant’s name is Harry Herman Rozental. The Claimant indicated that he was born on 10 April 1918 in Kijen, Russia. The Claimant is representing his sister, Ludwika Miller, who was born on 6 March 1923 in Lodz.

Information Available in the Bank’s Records

The Bank’s records consist of a power of attorney form, dated 13 December 1939; a signed document outlining conditions on the account, dated 27 November 1939; a signature card, dated 10 November 1939; and printouts from the Bank’s database. According to these records, the

Account Owner was Dr. Bernard Rozental and the Power of Attorney Holder was Harry/Herman Rozental. The Bank's records indicate that the Account Owner and the Power of Attorney Holder resided at Strada Olari 11 in Bucharest, Romania. The Bank's records further indicate that the Account Owner held one demand deposit account and one account of unknown type. The Bank's records show that the demand deposit account was closed in 1962 but the exact date is not recorded. The Bank's records do not indicate a date of closure for the account of unknown type. The amount in the accounts at the time of their closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their 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 father's name and country and city of residence match the published name and country and city of residence of the Account Owner. The Claimant's own name matches the published name of the Power of Attorney Holder. The Claimant indicated his family's street address and that his father held the professional title of doctor, which match unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted an extract from the Lodz records stamped by the Ministry of Affairs in Bucharest, indicating that his father was Bernard Rozental and his sister is Ludovica Rozental, providing independent verification that the people who are claimed to be the Account Owner and Power of Attorney Holder have the same names and residence recorded in the Bank's records as the names and residence of the Account Holder and Power of Attorney Holder. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different residence or title than the residence and title 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 stated that the Account Owner was Jewish and was forced to flee Romania in 1940.

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 documents demonstrating that the Account Owner was his father. These documents include an extract from the Lodz records stamped by the Ministry of Affairs in Bucharest, indicating that his father was Bernard Rozental and his sister is Ludovica Rozental. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and his sister.

The Issue of Who Received the Proceeds

Given the fact that the demand deposit account was closed in 1962; that the Account Owner died in 1959; that there is no record of the payment of the Account Owner's account to his heirs; that the Bank's records do not contain a date of closure for the account of unknown type; that the Account Owner and his heirs would not have been able to obtain information about the 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 given the application of Presumptions (b), (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 proceeds of the accounts were not paid to the Account Owner, the Power of Attorney Holder, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to determine whether Account Owners or their heirs received the proceeds of their account.

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 father, 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (SF) and the average value of an account of unknown type was SF 3,950.00. The total average value was SF 6,090.00. 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 SF 76,125.00.

Division of the Award

According to Article 23(1)(c) 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 sister, Ludwika Miller. Accordingly, as the son and daughter of the Account Owner, the Claimant and his sister are each entitled to one-half 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 Account 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