

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Elsa Schoen

Claim Number: 710747/MW¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].² This Award is to the published account of Elsa Schoen (the “Account Owner”) at the Zurich-Altstetten 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his mother, Elsa Schoen, née Broll, who was Jewish, was born on 20 April 1895, and was married to [REDACTED]. The Claimant stated that his parents had two children: the Claimant and his sister, [REDACTED]. The Claimant indicated that his father, [REDACTED], was a businessman, and that he resided with his family at Purkynova 86 in Brno, Czechoslovakia. The Claimant further indicated that his father deposited money into a Swiss bank account in approximately 1933, and that the Claimant’s maternal uncle, [REDACTED], delivered the money to the account because he was employed as a courier at the *Länderbank* or the

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB 0002 153, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 710747.

² The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Kreditanstalt in Vienna. The Claimant explained that his mother, father, and sister perished in Theresienstadt. The Claimant submitted records from the *Theresienstadt Martyrs Remembrance Association*, indicating that Elsa Schoen, [REDACTED], and [REDACTED] perished in Theresienstadt in 1942.

The Claimant previously submitted two ATAG Ernst & Young claim forms in 1998, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED]. The Claimant indicated his mother's name on both claim forms. The Claimant indicated that he was born on 23 May 1922.

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 Elsa Schoen. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated. According to the Bank's record, the account was transferred to a suspense account for dormant assets on 10 September 1973. The balance of the account on the date of the transfer was 6.60 Swiss Francs ("SF"). The Bank's record indicates that the account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted documents, including records from the *Theresienstadt Martyrs Remembrance Association*, indicating that Elsa Schoen perished in Theresienstadt in 1942, thereby providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. The CRT further notes that the Claimant filed an IQ in 1999, and two ATAG Ernst & Young claim forms in 1998, asserting his entitlement to a Swiss bank account owned by his father or another member of his immediate family, including the name Elsa Schoen, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his mother or father owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all 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 indicated that his mother, who was Jewish, perished in Theresienstadt in 1942, along with her husband and daughter.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting information, demonstrating that the Account Owner was the Claimant's mother. The CRT notes that the Claimant filed an IQ with the Court in 1999, and two ATAG Ernst & Young claim forms in 1998, asserting his entitlement to a Swiss bank account owned by his father or another member of his immediate family identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted records from the *Theresienstadt Martyrs Remembrance Association*, indicating that Elsa Schoen perished in Theresienstadt. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense 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 the Claimant's mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account on 10 September 1973 was SF 6.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account between 1945 and 1973. Consequently, the adjusted balance of the account at issue is SF 441.60. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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 they 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
24 December 2004