

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 Sigmund Schwartz

Claim Number: 203809/JT

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Sigmund Schwartz (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 her father, Zigmund Schwartz, who was born in approximately 1889 in Romania or Hungary, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that her parents were Jewish, and that they had six children. The Claimant stated that until 1944, her father owned a soap factory located at 5 Vargohid Utca in Satumare, Romania, and that he often traveled on business. The Claimant further stated that she believes her father used a representative named Mr. Katz who lived in Satumare to open a Swiss bank account on her father’s behalf. The Claimant explained that Mr. Katz did not survive the Second World War, and that her father perished in Auschwitz in 1944. The Claimant stated that her brother [REDACTED] also perished in Auschwitz in 1944, and that her other siblings are still alive. The Claimant submitted a family tree and her United States Department of Health and Human Services health insurance card. The Claimant stated that she was born on 12 September 1926 in Satumare, Romania. The Claimant is representing [REDACTED], [REDACTED] and [REDACTED], the Claimant’s brothers and sister, respectively, in these proceedings.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Zigmund Schwartz of Satumare, Romania.

Information Available in the Bank's Records

The Bank's records consist of an extract from the Bank's numbered accounts database and printouts from the Bank's database. According to these records, the Account Owner was Sigmund Schwartz who resided in Bucarest, Romania. The Bank's records indicate that the Account Owner held an account of unknown type, numbered 7006.

The account was closed on 26 May 1987, but the records do not show who closed the account. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records 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. Her father's name matches the unpublished name of the Account Owner. The Claimant identified her father's country of residence as Romania, which also matches unpublished information about the Account Owner contained in the Bank's records. While the Claimant noted that her father owned a factory in Satumarie, Romania, but did not provide information about his residence, she stated that her father traveled on business. The CRT therefore concludes that it is plausible that the Claimant's father used an address in Bucarest, the largest city and capital of Romania, when he opened the account. The CRT notes that the Claimant submitted a family tree and her United States Department of Health and Human Services health insurance card.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Zigmund Schwartz of Romania. The name of Account Owner Sigmund Schwartz was not published on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her 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 her relative, but rather on her personal knowledge of a direct family relationship. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that the two other matching claims to this account have been disconfirmed because the other Claimants provided different countries of residence than the country of residence 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 that he perished in Auschwitz during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her father.

The Issue of Who Received the Proceeds

Given the applications 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 account proceeds were not paid to the Account Owner or his 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 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 her 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 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 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 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(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, as the Claimant and her three siblings, whom she represents, are all children of the Account Owner, they are each entitled to one-quarter of the total award amount. The CRT notes that the Claimant has another brother, [REDACTED], who would be entitled to a portion of the total award amount paid to the Claimant, but who did not return a power of attorney form to the CRT authorizing the Claimant to act on his behalf. As of the date of this Award, [REDACTED] has not submitted a claim to the account of Sigmund Schwartz.

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 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
June 23, 2003