

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Eva Stolow

in re Account of Heinrich Schweizer¹

Claim Number: 205641/MB

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Eva Stolow née Grosz (the “Claimant”) to the account of Heinrich Schweizer (the “Account Owner”) at 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 and an Initial Questionnaire identifying the Account Owner as her maternal uncle, Heinrich Schweitzer.² According to the Claimant, her uncle lived on Nyul Utca in Budapest, Hungary, where he owned a shop. The Claimant stated that her uncle traveled to Zurich in order to purchase materials for his shop, and that her mother, Blanka Grosz née Schweitzer, indicated that he had deposited money and gold coins in a Swiss bank. The Claimant further stated that Heinrich Schweitzer, who was Jewish, was deported to Auschwitz in 1942 and was subsequently executed there. The Claimant indicated that her uncle did not have any children, and that she is his only living relative. The Claimant stated that she was born on 5 March 1924 in Budapest, Hungary.

Information Available in the Bank Records

The bank records consist of an inventory of individual accounts that the Bank transferred to a collective account for dormant assets and printouts from the Bank’s database. According to these records, the sole Account Owner was Heinrich Schweizer. The bank records do not

¹ The Claimant submitted a claim numbered B-01280 on 27 August 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600675.

² Based on the CRT’s experience and general historical information regarding various spellings and name changes across borders and overtime, the CRT notes that the name “Schweitzer” as it appears in the Claimant’s Claim Form may also be spelled “Schweizer.”

indicate what type of account the Account Owner held. The individual account was transferred to the collective account in 1937. The amount in the account on the date of its transfer was 3.50 Swiss Francs. The account was then transferred to the Bank's profit and loss account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner.

The CRT also notes that the Claimant filed an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Heinrich Schweitzer, 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 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 a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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, in 1942 he was deported from Budapest to Auschwitz, where he was subsequently executed.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting evidence demonstrating that her mother was the Account Owner's sister. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, 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 1937 was 3.50 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown account 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. Consequently, the total award amount in this case is 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 65% of the Certified Award, and the claimant may receive a second payment of up to 35% 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 65% of the total award amount is 30,810.00 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 for payment by the Special Masters.

Claims Resolution Tribunal
October 3, 2002