

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Elizabeth Muller

in re Account of Eduard Steiner

Claim Number: 202925/AY

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Elizabeth Muller, née Steiner, (the “Claimant”) to the account of Eduard Steiner (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 identifying the Account Owner as her father, Eduard Steiner, who was born on 24 April 1891 in Breznice, Austria-Hungary (now the Czech Republic), to Joseph and Bedriska Steiner. The Claimant stated that Eduard Steiner was married to Karolina Steiner, née Fischlova, with whom he had three children. The Claimant stated that her father owned a hardware store in Horazdovice, Czechoslovakia and the giant Ferris wheel (*Riesenrad*) in Vienna, Austria, which was built in 1897 and is one of Vienna's landmarks. The Claimant indicated that her family resided in Horazdovice and later in Prague, Czechoslovakia, and that her father often traveled to Vienna on business, staying in hotels, the names and addresses of which the Claimant does not know. The Claimant explained that her father, who was Jewish, was deported in 1942 to Theresienstadt, and later to Auschwitz where he perished. According to the information provided by the Claimant, her siblings have passed away and she is therefore only surviving heir of Eduard Steiner. In support of her claim, the Claimant submitted her birth certificate, identifying her father as Eduard Steiner. The Claimant indicated that she was born on 31 October 1915 in Horazdovice.

Information Available in the Bank's Record

The Bank's record consists of an internal list of numbered accounts. According to this record,

the Account Owner was Eduard Steiner who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a numbered account of unknown type, which was transferred to another numbered account on 26 March 1938. The amount in the account on the date of its transfer is unknown. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not provide any information about the numbered account to which the Account Owner's account was transferred on 26 March 1938. There is no evidence in the Bank's record 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 published name of the Account Owner. The Claimant stated that her father did business and owned property in Vienna, which is consistent with his use of a Vienna address when he opened his account at this Bank. In support of her claim, the Claimant submitted her birth certificate, identifying her father as Eduard Steiner, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT further notes that the name Eduard Steiner appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account. Taking all of 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 stated that the Account Owner was Jewish, and that he was deported in 1942 to Theresienstadt and then to Auschwitz where he perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, including her birth certificate, demonstrating that she is the Account Owner's daughter.

The Issue of Who Received the Proceeds

Given the existence of Nazi confiscatory legislation in Austria at that time,¹ given that the Account Owner was deported to Theresienstadt in 1942 and later perished at Auschwitz; there is no record of the payment of the Account Owner's accounts to him; the Account Owner's heirs lived in Czechoslovakia, a communist country, and would not have been able to receive the proceeds after the Second World War; and given the application of Presumption (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 assist in the determination of whether or not 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 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 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

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

¹ As described in the expanded version of Appendix A (see II.A.2), which appears on the CRT II website -- www.crt-ii.org.

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
31 December 2003