

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rudolf Steiner

Claim Number: 400534/AZ

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Rudolf Steiner and Maria Steiner. This Award is to the published account of Rudolf Steiner (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).¹

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 his maternal uncle, Rudolf (“Rudi”) Steiner, who was born on 6 August 1908 in Hungary,² and was married to [REDACTED], née [REDACTED]. The Claimant stated that his uncle, who was the brother of the Claimant’s mother, [REDACTED], née [REDACTED], was a manufacturer of toys and games and lived in Austria until approximately 1929 or 1930, when he moved with his family to Paris, France. The Claimant indicated that his aunt and uncle had one child, [REDACTED], who was born in Paris on approximately 25 December 1931. The Claimant further stated that his uncle, who was Jewish, fled France with his family for the United States in 1941, following the occupation of Paris by the Nazi regime. According to the Claimant, his uncle died in New York, the United States in approximately 1976; his aunt died in New York in approximately 1995; and their daughter, [REDACTED], died childless in New York in approximately 1980.

In support of his claim, the Claimant submitted documents including 1) his mother’s birth certificate, issued by a Jewish organization in Vienna, Austria, indicating that his mother’s name was [REDACTED]; 2) his parents’ marriage certificate, indicating that his parents’ names were

¹ The CRT will treat the claim to the account of Maria Steiner in a separate determination.

² The CRT notes that, in his claim form, the Claimant indicated that his uncle was born in Austria or Hungary, but, in a letter dated 20 January 2006, the Claimant specified that he believed his uncle was born in Hungary.

[REDACTED] and [REDACTED], née [REDACTED]; 3) a telegram, dated 6 April 1930, from a person named [REDACTED] in Paris to the Claimant's mother, [REDACTED] (addressed as "[REDACTED]") in Berlin, Germany, congratulating her on the birth of her child; 4) a letter, dated 2 March 1958, from a person named [REDACTED] to individuals named [REDACTED] and [REDACTED], stating that the writer intended to fulfill a promise, made by his father, to pay a monthly allowance to the recipients and 5) an envelope, date stamped on 9 October 1969, to the Claimant from Rudolf Steiner of New York. The Claimant indicated that he was born on 5 April 1930 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a change of address form, dated 24 February 1936. According to this record, the Account Owner was Rudolf Steiner, who resided in Paris, France. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 40487-II. The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. 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's uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted an envelope addressed to the Claimant from a Rudolf Steiner, 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 Claimant also submitted a 1930 telegram, addressed to his mother, from a "[REDACTED]" (a short form of the name Rudolf) in Paris. These documents provide independent verification that the person who is claimed to be the Account Owner had the same first name and / or resided in the same city recorded in the Bank's record as the first name and city of residence of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than that of the Account Owner and/or because the person claimed to be the Account Owner was deceased at the time the Account Owner signed the Bank's record. 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 fled France after its occupation of Paris by the Nazi regime.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. In addition, the CRT notes that the Claimant submitted two pieces of correspondence addressed to his mother and / or father and signed "[REDACTED]," one congratulating the Claimant's mother, who is addressed by the pet form "[REDACTED]" on the birth of her child and the other stating that the author intended to fulfill his father's promise to pay a monthly allowance to the recipients. The CRT notes that the familiar forms of address and the content of these letters suggest a high level of familiarity and intimacy between their author and the recipients which is consistent with a close familial relationship. The CRT also notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that, taken as a whole, the information submitted by the Claimant is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member; all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has any other surviving heirs who have submitted a claim.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-occupied France before fleeing to the United States in 1941; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (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 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 his uncle, and that relationship

justifies an Award. Third, 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 (“SF”). 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 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 he 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
23 June 2006