

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Aron Strauss

Claim Number: 211253/ZP

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Aron Strauss (the “Account Owner”) at 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 grandfather, Aron Strauss, who was born on 12 February 1870 in Michelbach, Germany, and married [REDACTED], née [REDACTED], on 7 May 1901, in Germany. The Claimant stated that her grandfather was a real estate broker in Crailsheim, which is a small town approximately 60 kilometers from Nuremberg, Germany. The Claimant further stated that in 1932 her grandfather, who was Jewish, moved to Nuremberg, where he lived until August 1939, at which time he fled from the Nazis and went to Oxford, England. According to the Claimant, on 1 June 1940 her grandfather moved to the United States, where he died on 7 June 1954. The Claimant stated that her grandparents had one child, [REDACTED], née [REDACTED], the Claimant’s mother, who died in 1987 in New York, New York, the United States. The Claimant stated that she was born in Nuremberg, on 31 August 1932.

Information Available in the Bank’s Records

The Bank’s records consist of a customer card and printouts from the Bank’s database. According to these records, the Account Owner was Aron Strauss of Crailsheim, Germany. The Bank’s records indicate that the Account Owner held a safe deposit box account. These records do not indicate when the account was opened, but do indicate that it was closed on 5 August 1933. The Bank’s records do not show to whom the Account was paid, nor do these records

indicate the contents of the safe on its closure date. 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's grandfather's name matches the published name of the Account Owner. The Claimant identified her grandfather's address as Crailsheim, Germany, which matches unpublished information about the Account Owner contained in the Bank's records. Moreover, the Claimant also submitted documents, including the death certificate of her mother, [REDACTED], née [REDACTED], which indicate that her grandfather lived in Crailsheim providing independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. The CRT 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 lived in Germany until he fled from the Nazis in 1939.

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 is her grandfather. The Claimant submitted a certificate of inheritance from the Account Owner, and the death certificate of the Claimant's mother, demonstrating the Account Owner was the father of the Claimant's mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; the Account Owner's account was closed in 1933 and he remained in Germany until 1939; he would not have been able to repatriate his account to Germany when it was closed without its confiscation; there is no record of payment of the Account Owner's account to him; 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 Bank's concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A)

and Appendix C,¹ 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 grandfather, 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 a safe deposit box. 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 a safe deposit box account was 1,240.00 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 15,500.00 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

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

Claims Resolution Tribunal
September 30, 2003

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.