

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of William Tetzlaff

Claim Number: 222394/OW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of William Tetzlaff (the “Account Owner”) at the Lugano 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 his maternal great-uncle, William Tetzlaff, who was born in Fürstenau, Germany.¹ The Claimant stated that his great-uncle’s parents were [REDACTED] and [REDACTED], née [REDACTED], and that his great-uncle was not married and had no children. According to information provided by the Claimant, his great-uncle was born on 4 April 1870. The Claimant stated that William Tetzlaff was the brother of his maternal grandmother, [REDACTED], née [REDACTED]. In a telephone conversation with the CRT on 17 January 2002, the Claimant stated that in the 1930s and 1940s his great-uncle lived in Berlin, Germany, and had a physical disability due to a hereditary limb disease that affected several members of his family. The Claimant further stated that he believed his great-uncle died in a concentration camp. In support of his claim, the Claimant submitted a detailed family tree and printouts from the Waseca County Historical Society website, indicating that [REDACTED] is the son of [REDACTED] and [REDACTED], and that [REDACTED] was the granddaughter of [REDACTED] and [REDACTED], who also had a son, William August Tetzlaff, who was born on 4 April 1870 in Fürstenau, Germany. The Claimant stated that he was born on 14 November 1940 in Janesville, Minnesota, the United States.

¹ The Claimant explained that his father’s surname, Tetzloff, was only coincidentally similar to Tetzlaff, the surname of his maternal great-uncle.

Information Available in the Bank's Records

The Bank's records consist of a printout from the Bank's database and a list of accounts prepared by 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"). According to these records, the Account Owner was William Tetzlaff. The auditors who carried out the ICEP Investigation determined that the Account Owner resided in Germany. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the account was transferred to a suspense account for dormant assets on an unknown date. The auditors who carried out the ICEP Investigation reported that the account had a balance of 40.00 Swiss Francs ("SF") as of 31 December 1962. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and country of residence match the published name and country of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including printouts from the Waseca County Historical Society website, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country as the name and country of residence of the Account Owner. The CRT notes that the name William Tetzlaff 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, who was physically handicapped, resided in Nazi Germany during the 1930s and 1940s, and that he perished in a concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his maternal great-uncle. These documents include printouts from the Waseca County Historical Society's website, indicating that William Tetzlaff's parents, [REDACTED] and [REDACTED], had a granddaughter named [REDACTED], who was the mother of [REDACTED], the Claimant. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the foregoing information 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, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate the account remains in the Bank's suspense account.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors who carried out the ICEP Investigation reported that the value of the account was SF 40.00 as of 31 December 1962. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 270.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1962. Consequently, the adjusted balance of the account at issue is SF 310.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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
30 November 2005

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