

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Accounts of Ernst Ullmann

Claim Number: 205650/PY¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Ernst Ullmann (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 his father, Ernest Ullmann, who was born on 24 June 1874 in Znojmo, Czechoslovakia, and was married to [REDACTED], née [REDACTED], on 23 March 1923 in Vienna, Austria. The Claimant stated that his father resided between 1923 and 1938 at Albertgasse 33 in Vienna. The Claimant further stated that his father was the owner of a large export agency called *Uco-Exportgesellschaft*, which was located at Mariahilferstrasse 114 in Vienna. According to the Claimant, his father conducted business transactions in Zurich and Geneva, and held bank accounts in Switzerland. The Claimant explained that his father died on 25 March 1938, but due to the Nazi annexation of Austria (the *Anschluss*), the Claimant's family was unable to access his father's Swiss bank accounts after his death. The Claimant added that he fled Austria with his family in July 1938 via Czechoslovakia to England. In support of his claim, the Claimant submitted his birth certificate, indicating that he was born in Vienna and that his father was Ernest Ullmann. The Claimant indicated that he was born on 25 December 1923. The Claimant is representing [REDACTED], his sister, who was born on 26 May 1926, also in Vienna. The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Ernest Ullmann.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 205650 and 207376. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 205650.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Ernst Ullmann, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a debit account² and a custody account numbered L 27657. According to the Bank's record, the debit account was closed on 20 May 1938, and the custody account was closed on 23 May 1938. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his father'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 his birth certificate, which indicates that he was born in Vienna and that his father was Ernest Ullmann.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Ernest Ullmann, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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. The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.³

² The CRT notes that debit accounts do not contain any assets.

³ The CRT notes that there is a slight difference in the spelling of the Account Owner's and the Claimant's father's first names, but finds that, given the Claimant's identification of unpublished information about his father, as contained in the Bank's records, and the filing of an Initial Questionnaire in 1999, 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 Jewish, resided in Nazi-controlled Austria. The Claimant also stated that the Account Owner's family fled Austria after the *Anschluss*.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate, demonstrating that the Account Owner was his father.

The Issue of Who Received the Proceeds

Regarding the custody account, given that the Account Owner died before the closure date of the account; that the Account Owner's account was closed after the *Anschluss*; that Nazi confiscatory legislation was in effect at the time the account was closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Claimant stated that his family was unable to access Ernst Ullmann's Swiss bank accounts after his death due to the *Anschluss*, and that the Account Owner's family remained in Austria until July 1938, after the closure of the account, and would have been unable to repatriate the account without its confiscation; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his closed 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 (a), (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 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 custody account.

Amount of the Award

In this case, the Award is to one custody account. 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, [REDACTED]. Accordingly, the Claimant and his sister, who are the son and daughter of the Account Owner, are each entitled to one-half of the total award amount.

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
31 December 2003