

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Martin Ullmann

Claim Number: 601469/AC¹

Award Amount: 34,887.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of [REDACTED].² This Award is to the published account of Martin Ullmann (the “Account Owner”) at the Diessenhofen branch of the [REDACTED] (the “Bank”).³

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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her paternal uncle, Martin Ullmann, who was born on 10 May 1900 in Gailingen, Germany. The Claimant stated that her uncle was the son of Max Ullmann and [REDACTED], née [REDACTED], and that her uncle had two siblings, [REDACTED], née [REDACTED], and the Claimant’s father, [REDACTED]. The Claimant indicated that her uncle, who was Jewish, was a businessman who resided in Gailingen, and that he fled Gailingen for New York, the United States on 25 October 1937. The Claimant further indicated that her aunt, [REDACTED], née [REDACTED], also fled to the United States before the Second World

¹ The Claimant submitted a claim, numbered B-00407, on 2 March 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601469.

² The CRT will treat the claim to these accounts in a separate decision.

³ The CRT notes that, on the February 2001 published 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”), two account owners with the name of Martin Ullmann are listed. The CRT notes that the two account owners are not the same person; this award is to the accounts of Martin Ullmann, from Gailingen, Germany. The CRT notes that on the ICEP List, Martin Ullmann of Gailingen, Germany is indicated as having six accounts at the Bank. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of one account.

War. According to the Claimant, her uncle was married in the United States, where he eventually died.

In support of her claim, the Claimant submitted documents, some of which were obtained by the HCPO on the Claimant's behalf and forwarded to the CRT. These documents include: 1) a copy of a Gailingen registration form for Max Ullmann and [REDACTED], née [REDACTED], indicating that they were married on 21 January 1892 in Gailingen, that they were Jewish, and that they had a son, Martin, who was born in Gailingen on 10 May 1900, and who moved to America on 25 October 1937; 2) a copy of a Gailingen registration form for [REDACTED] and [REDACTED], née [REDACTED], indicating that that they had two children, [REDACTED] and [REDACTED], who were both born in Gailingen, and that [REDACTED] was born in Gailingen on 27 December 1892 to Max Ullmann and [REDACTED]; 3) a copy of a Gailingen registration form for [REDACTED] and his wife [REDACTED], née [REDACTED], which lists their daughter [REDACTED], indicating that she was born in Gailingen on 29 March 1896, that she was a seamstress, and that her date of death was declared to be 31 December 1942, pursuant to a local court order, dated 5 June 1951; 4) a copy of an extract of her father's birth certificate issued on 21 July 2003 by the Gailingen Registrar of Births, Marriages, and Deaths, indicating that [REDACTED] was born on 27 December 1892 in Gailingen, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and 5) a copy of her own birth certificate, issued on 16 November 1989 by the Gailingen Registrar of Births, Marriages, and Deaths, indicating that the Claimant was born in Gailingen on 16 February 1932, and that her parents were [REDACTED] and [REDACTED], née [REDACTED], both of whom resided in Gailingen.

The Claimant indicated that she was born on 16 February 1932 in Gailingen.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of excerpts from the Bank's ledgers. According to these records, the Account Owner was Martin Ullmann, who resided in Gailingen, Germany. The Bank's records indicate that the Account Owner held one demand deposit account.

The Bank's records indicate that the demand deposit account was open by 22 December 1932, and that it was still open as of 27 December 1934, on which date the balance in the account was 2,791.00 Swiss Francs. According to the Bank's records for this account, which were excerpted from Folio 1608 of the Bank's ledgers, among other transactions, some transactions were made with a person with the surname Moos. Also, the Bank's records indicate that additional records of transactions on this account were located in Folios 1602, 216, 501, 613, and 928 of the Bank's ledgers.

The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records 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. These auditors indicated that there was no evidence of activity on this account after 1945. 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 Owners

The Claimant has plausibly identified the Account Owner. The Claimant’s paternal uncle’s name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the married surname of her uncle’s sister, [REDACTED], which matches unpublished information about the Account Owner’s transactions contained in the Bank’s records. The CRT notes that with respect to an account belonging to an account owner bearing the same name and residing in the same town as the Claimant’s father, [REDACTED], the Bank’s records make a reference to "Martin" and Folio 216 of the Bank’s ledgers. The CRT notes that the Bank’s records regarding the Account Owner also refer to Folio 216 in the Bank’s ledgers.

In support of her claim, the Claimant submitted documents, including a copy of a Gailingen registration form for [REDACTED] and [REDACTED], née [REDACTED], indicating that they had a son, Martin, who was born in Gailingen on 10 May 1900, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank’s records as the name and city of residence of the Account Owner.

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998 and an HCPO claim form in 1998, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED], the brother of Martin Ullmann, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

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 resided in Germany until 1937, when he fled to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal uncle. These documents include: 1) a copy of a Gailingen registration form for [REDACTED] and [REDACTED], née [REDACTED], indicating that they had a son named Martin; 2) a copy of a Gailingen registration form for [REDACTED] and [REDACTED], née [REDACTED], indicating that they had two children, [REDACTED] and [REDACTED], and that [REDACTED]'s parents were [REDACTED] and [REDACTED]; 3) a copy of an extract from her father's birth certificate, indicating that [REDACTED]'s parents were [REDACTED] and [REDACTED], née [REDACTED]; and 4) a copy of her own birth certificate, indicating that the Claimant's parents were [REDACTED] and [REDACTED], [REDACTED]. The CRT notes that the Claimant has a sister, [REDACTED], who would be equally entitled to an award of her uncle's account. However, the Claimant's sister has not submitted a claim to the accounts of Martin Ullmann.

The Issue of Who Received the Proceeds

Given 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 after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; given that the Account Owner remained in Germany until 1937, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; given 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 her paternal 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 demand deposit account. The Bank's records indicate that the balance of the demand deposit account as of 27 December 1934 was 2,791.00 Swiss Francs ("SF"). The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount is SF 34,887.50.

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
13 October 2004