

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Liane Waisbein  
also acting on behalf of Felix Stroh

## **in re Account of Oskar Ullmann**

Claim Number: 216500/HS<sup>1</sup>

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Liane Waisbein, née Stroh-Ullmann (the “Claimant”) to the two published accounts of Oskar Ullmann (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

On 29 March 2002, the Court approved an Award to the Claimant for the Account Owner’s custody account at the Bank (the “March 2002 Award”). In the present Award, the CRT addresses the Account Owner’s savings account.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her maternal uncle, Oskar Ullmann, who was born in Oradea, Romania, on 25 February 1904 and resided in Cluj, Romania, where he was a partner in the firm *Kurländer and Ullmann*. In a telephone conversation with the CRT on 21 March 2002, the Claimant stated that her uncle had a wife and a daughter, but that she could not remember their names. The Claimant indicated that her uncle, who was Jewish, was deported to the concentration camp in Auschwitz, where he perished in 1944 or 1945, and that his wife and daughter were also killed by the Nazis, most probably in Theresienstadt concentration camp. The Claimant explained that she, her brother and her parents

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<sup>1</sup> The Claimant submitted additional claims to the accounts of Therese Stroh, née Ullmann, and Jakob Stroh, which are registered under the Claim Numbers 216513 and 216549. The CRT did not locate accounts belonging to the Claimant’s relatives, Therese Stroh, née Ullmann, and Jakob Stroh, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

lived in Vienna, Austria, until three weeks after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), when they were forced to flee. The Claimant added that she and her family settled in Chile in September 1938.

In support of her claim, the Claimant submitted several documents, including: the birth certificate of Oskar (Oszkar) Ullmann, dated in 1904 in Oradea, and the birth certificate of the Claimant's mother, Renée Ullmann, dated in 1905 in Oradea, both indicating that their parents were Felix and Frida (Frieda) Ullmann; the Claimant's parents' marriage certificate, dated in 1926 in Oradea, indicating that the Claimant's mother, Renée Stroh, was Jewish and that her parents were Felix and Frida Ullmann; the birth certificate of the Claimant's brother, Felix Stroh, dated in 1927 in Vienna, and the Claimant's own birth certificate, dated in 1928 in Vienna, both indicating that their mother was Renée Stroh, née Ullmann; and the Claimant's marriage certificate, dated in 1953 in Chile, indicating that her maiden name is Stroh-Ullmann.

The Claimant indicated that she was born on 23 September 1928 in Vienna. The Claimant is representing her brother, Felix Stroh, who was born on 9 August 1927 in Vienna.

### **Information Available in the Bank’s Records**

As noted in the March 2002 Award, the Bank’s records consist of several account statements. Additionally, these records contain lists of accounts and a letter from the Account Owner to the Bank, dated 17 December 1938, directing the Bank to hold all correspondence until further notice. According to these records, the Account Owner held a custody account, numbered 10495. As noted above, this account was awarded to the Claimant on 29 March 2002. These records also indicate that the Account Owner held a savings account, numbered 19011. The Bank’s records indicate that the interest yielded on the bonds in the Account Owner’s custody account was paid into the savings account, and that the custody account maintenance fees were debited to the savings account. These records also indicate that the balance of the savings account on 19 December 1938 was 41.55 Swiss Francs (“SF”), and that on 4 January 1945 the amount in the savings account was SF 35.80. Additionally, according to these records, the savings account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 24 March 1953, at which time the balance was SF 53.30. Finally, these records indicate that the assets were still in the suspense account on 22 March 1963.

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 on the date of its closure. 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 the savings 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 savings account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and city and country of residence. In support of her claim, the Claimant submitted her uncle's birth certificate, providing independent verification that the Claimant's uncle had the same name as the Account Owner and that he was born in Romania, which was the Account Owner's country of residence. The CRT notes that there are no other claims to the Account Owner's 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 was deported to Auschwitz where he perished in 1944 or 1945.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and represented party Felix Stroh are related to the Account Owner by submitting specific information and documents, demonstrating that they are the Account Owner's niece and nephew. These documents include the birth certificates of Oskar Ullmann, the Claimant's mother, the Claimant, and the Claimant's brother; and her own and her parents' marriage certificates. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

### The Issue of Who Received the Proceeds

Given that the Account Owner, his wife, and his daughter perished in the Holocaust; that the savings account was transferred to a suspense account; that there is no record of the payment of the savings account to the Account Owner's heirs, nor any record of a date of closure of the account; that the Account Owner's 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 proceeds of the savings account 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 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 Award is for one savings account. The Bank's records indicate that the value of the savings account as of 4 January 1945 was SF 35.80. According to Article 29 of the Rules, if the amount in a savings account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award amendment 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 amendment amount of SF 10,375.00.

### Division of the Award

According to Article 23(1)(d), if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her brother, Felix Stroh. Accordingly, as descendants of the Account Owner's parents, the Claimant and Felix Stroh are each entitled to one-half of the total amount of the award amendment.

### **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 their claims 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  
31 March 2005