

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Charles Ulrich

Claim Number: 501045/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Clara Ulrich.¹ This Award is to the unpublished account of Charles Ulrich (the “Account Owner”) at the Kriens branch of the [REDACTED] (the “Bank”).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 her father, Charles Frederick Hugo Otto Ulrich, who was born on 29 June 1901 in Berlin-Charlottenburg, Germany, and was married to [REDACTED], née [REDACTED], in Colombia. The Claimant indicated that her father, who was Jewish, was an engineer and lived in Germany. The Claimant indicated that her father traveled for business to many places, including South Africa and South America. In a telephone conversation with the CRT on 14 February 2005, the Claimant’s sister, [REDACTED 2], indicated that her father moved to Chile in 1929 for business reasons, and that he remained there until 1939. The Claimant indicated that her father attempted to return to Germany in 1939 to visit his mother, [REDACTED], née [REDACTED], and that his wife (the Claimant’s mother) and their children (the Claimant and the Claimant’s sister), were planning to travel there as well. The Claimant explained that her father was on a ship bound for Germany, but that the ship was redirected because of the outbreak of the Second World War, and that he later returned to South America. According to the Claimant, Charles Ulrich’s mother, [REDACTED], remained in Germany and died in 1939, but she did not know the circumstances of the death. Furthermore, in a telephone conversation with the CRT on 15 February 2005, the Claimant indicated that [REDACTED] had a sister living in Germany and presumes that she died

¹ The CRT will treat the claim to this account in a separate determination.

in the Holocaust because she was not heard from after the Second World War. According to the Claimant, her father died on 27 August 1982 in Santiago, Chile.

In support of her claim, the Claimant submitted documents, including: (1) her birth certificate and the birth certificate of her sister, indicating that their father was Frederick Ulrich; (2) a postcard, dated 5 May 1929, and addressed to her father, Friedel Ulrich, who resided at 54 Bülowstrasse in Berlin; (3) her parents' marriage certificate, indicating her father's name as Carlos Ulrich; (4) her mother's Chilean passport, which includes a German visitors' single entry visa for herself and for her two daughters, [REDACTED 2] and [REDACTED 1] [sic], issued on 18 August 1939 and valid until 31 October 1939; and (5) her father's death certificate, indicating that his name was Frederick Charles Hugo Otto Ulrich.

The Claimant indicated that she was born on 17 March 1939 in Valparaiso, Chile. The Claimant is representing her sister, [REDACTED 2], who was born on 3 September 1935 in Chile.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Charles Ulrich. This record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, numbered 3050, the type of which is not indicated. The Bank's record further indicates that the account was transferred to a suspense account on 17 December 1987. The amount in the account on the date of its transfer was 7.00 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted documents, including: (1) her parents' marriage certificate, indicating her father's name as Carlos Ulrich;² and (2) her father's death certificate, indicating that his name was Frederick Charles Hugo Otto Ulrich, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name 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.

² The CRT notes that "Carlos" is a Spanish variation of "Charles."

Status of the Account Owner as a Victim of Nazi Persecution

In this case, the Account Owner left Germany in 1929, before the Nazis came to power. In such cases in which Account Owners leave Europe prior to the Relevant Period, which is defined by the Rules Governing the Claims Resolution Process, as amended (the “Rules”) as 1933 to 1945, CRT has generally concluded that the Account Owner was not a Victim of Nazi Persecution. In this case, however, the Claimant has provided documentary evidence, consisting of her mother’s passport with a German entry visa valid from August to October 1939, to show that her father, who was Jewish, attempted to return to Germany in 1939. According to the Claimant, her father’s mother, along with her sister, remained in Germany after her son left to South America. The Claimant stated that her grandmother died in 1939, and that her sister (her father’s aunt) was not heard from after the War. Although the Claimant did not explicitly state that her father was attempting to return to Germany in an attempt to rescue his mother and aunt, the CRT finds that, given the historical circumstances, this is the only reasonable explanation why he would do so. The Claimant explained that her father’s ship was turned away because of the outbreak of the War. The CRT notes that the Claimant’s father admittedly could have attempted to enter Germany by other means, but that in any case he would have been targeted for persecution and perhaps deported if he had entered the German Reich. Despite these risks, he attempted to return, was turned away, and never saw his mother or aunt again. The CRT therefore finds that this case, in which the Claimant has provided documentary evidence of the Account Owner’s attempt to return to Nazi Germany after leaving Europe in 1929, constitutes an exception to its general finding that Account Owners who leave Europe prior to the Relevant Period are not Victims of Nazi persecution. Accordingly, the CRT concludes that the Claimant has made a plausible showing the Account Owner was a Victim of Nazi Persecution.

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 father. These documents include her birth certificate. 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

The Bank’s record indicates that on 17 December 1987 the account was transferred to a suspense account, where it remains.

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 father, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's record indicates that the value of the account on 17 December 1987 was SF 7.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 692.00. 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.

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 her sister, [REDACTED 2]. Accordingly, the Claimant and her sister 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 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
27 February 2007