

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Fritz Vogel

Claim Number: 203107/EZ

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Fritz Vogel (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 and an Initial Questionnaire identifying the Account Owner as his father, Fritz (or [REDACTED]) Vogel, who was born on 23 April 1889 in Sprendlingen, Germany, and was married to [REDACTED], née [REDACTED], in 1921 in Frankfurt, Germany. The Claimant stated that his father was an owner of a sporting goods company and a company called *Hausjoppen* in Frankfurt, and provided his father’s exact street address. The Claimant stated that on the “Night of Broken Glass” (*Kristallnacht*), his father fled from Germany to Switzerland, where the Claimant, his only son, was studying in La Citronelle Chateau D’Oex and at Villars sur Ollon from 1937 to 1939. The Claimant stated that his father paid for his education in Switzerland with funds from his Swiss bank accounts. The Claimant further stated that his father also paid out a large sum of money in order to enable his wife to flee Frankfurt. The Claimant stated that in 1939, his family went to the United States, where his father died in 1943. The Claimant indicated that he was born on 30 June 1923 in Frankfurt, and stated that he is his father’s only child and the only surviving member of the family.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Fritz Vogel from Frankfurt, and that the Claimant attended the above-mentioned school in Switzerland.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was Fritz Vogel. The bank records indicate that the Account Owner held an account of unknown type. The account was transferred on 10 August 1955 to a suspense account, which is a grouping of open and dormant accounts. The amount in the account on the date of its transfer was 23.75 Swiss Francs. The account remains open and dormant today.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner, other than his name. 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 his father, Fritz Vogel, from Frankfurt, Germany, and that he attended school in Switzerland, 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 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 father, 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 also notes that there are no other claimants to this account.

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 fled Nazi Germany on the *Kristallnacht*.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. There is no information to indicate that the Account Owner has any other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to a suspense account, and remains open and dormant today.

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 (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 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 records indicate that the value of the account as of 10 August 1955 was 23.75 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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
March 11, 2003