

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Georg Wagner**

Claim Number: 601279/ME<sup>1</sup>

Award Amount: 262,404.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Georg Wagner (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 to the Holocaust Claims Processing Office (“HCPO”) in March 1999 identifying the Account Owner as her maternal grandfather, Georg Wagner, who was born on 15 June 1866 in Freiburg, Germany, and died on 20 August 1938 in Oppeln, Germany. The Claimant stated that her grandfather was married to [REDACTED], née [REDACTED], on 16 December 1900 in Klein Zabize, Germany. According to the Claimant, [REDACTED], née [REDACTED] was born on 22 February 1876 in Klein Zabize, and died on 1 May 1967 in Irvington, New Jersey, the United States. The Claimant stated that her maternal grandparents, who were Jewish, had two children: [REDACTED], née [REDACTED], who was born on 9 January 1903 in Oppeln and died on 14 June 1997 in New Jersey; and [REDACTED], who was born 8 September 1907 in Oppeln and died in 1981 in Johannesburg, South Africa. The Claimant indicated that she is the daughter of [REDACTED] and that she was born on 22 January 1932 in Oppeln.

The Claimant stated that her grandfather lived at Sternstrasse 19 in Oppeln and owned a cigar factory there, which he was forced to sell to the Nazis. According to the Claimant, her grandfather traveled to Switzerland on vacation and maintained business accounts there,

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<sup>1</sup> The Claimant submitted a claim, numbered B-01723 on 8 March 1999 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 601279.

including several bank accounts at the Basel branch of the Bank. The Claimant stated that, prior to her grandfather's death, he suffered for several weeks in hospitals from complications from surgery. The Claimant explained that her grandfather required a blood transfusion, which was not available at the time, and that he was increasingly incoherent during the days and weeks leading up to his death on 20 August 1938. The Claimant explained that after her grandfather died, her grandmother fled to South Africa in 1941, and later immigrated to the United States.

In support of her claim, the Claimant submitted a letter from the Bank to the Claimant's grandmother, dated 16 August 1946. The letter confirmed that the Claimant's grandfather held a custody account, numbered 4684, at the Bank. According to the letter, the Bank transferred the 21,857.00 Swiss Francs value of the bonds in the Account Owner's account to the *Deutsche Golddiskontbank* in Berlin on 10 August 1938 in accordance with the Account Owner's instructions contained in a letter to the Bank dated 6 August 1938. According to the letter, the Bank charged the Account Owner a fee of 10.00 Swiss Francs for the transfer.

The Claimant stated that her grandmother sued the German government for the value of the custody account after she received the letter from the Bank, but that her efforts to receive compensation proved unsuccessful.

The Claimant submitted copies of her birth certificate, her grandfather's marriage and death certificates, and her mother's marriage and death certificates.

### **Information Available in the Bank Record**

The bank record consists of a bank registry statement. According to this record, the Account Owner was Georg Wagner of Oppeln, Germany. The record indicates that the Account Owner held a custody account, numbered F4684, that was opened on 16 September 1930. The bank record indicates that the account contained Swiss bonds valued at 44,500.00 Swiss Francs on the date the account was opened. The record further indicates that bonds worth 22,500.00 Swiss Francs were sold on 3 October 1931 and 5 October 1931 and the proceeds of those sales were withdrawn from the account. The record also indicates that the remaining bonds were sold on 10 August 1938, leaving the account empty. The bank records do not show to whom the proceeds of the account were paid. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT notes that the letter submitted by the Claimant, which was written on Bank letterhead and dated 16 August 1946, clearly indicates that the account proceeds were paid to Nazi authorities. This letter was not included in the records obtained by 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")

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as her grandfather, Georg Wagner. Her grandfather's name matches the published name of the Account Owner. The Claimant identified her grandfather's residence as Oppeln, which matches published information about the Account Owner contained in the bank records. Moreover, the Claimant submitted a letter written by the Bank to the Account Owner's wife, [REDACTED], about the disposition of the relevant portion of the Account Owner's custody account. The letter identifies the Account Owner, Mr. Georg Wagner from Oppeln, by name. Additionally, the letter refers to the account number, the names of the two bonds, as well as the value of the custody account at the time the account was opened and closed, which matches unpublished information in the bank records.

In support of her claim, the Claimant submitted documents including her birth certificate, as well as her grandfather's and mother's marriage certificates.

### 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 lived in Germany until his death in 1938, that the Nazis confiscated the Account Owner's cigar factory and other assets, and that the Account Owner's wife was forced to flee Germany in 1941.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including her birth certificate and her parent's and grandparent's marriage certificates, demonstrating that she is his granddaughter. The CRT notes that the Claimant indicated that the Account Owner has other surviving heirs, including her children, [REDACTED] and [REDACTED], and the heirs of [REDACTED], [REDACTED] and [REDACTED]. However, the Claimant is the only person to have submitted a claim to the account of Georg Wagner.

### The Issue of Who Received the Proceeds

The Bank's letter to the Claimant's grandmother, dated 16 August 1946, indicates that the proceeds of the account were paid to the Nazis.

### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, 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 claimed account.

### Amount of the Award

The Bank's letter to the Claimant's grandmother indicates that it transferred assets in the custody account worth 21,857.00 Swiss Francs to the Nazis on 10 August 1938. The Bank charged the Account Owner 10.00 Swiss Francs for this transaction. Accordingly, the value of the account was 21,867.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic value by a factor of 12, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 262,404.00 Swiss Francs.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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

December 31, 2002