

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Walter Léopold Weil,
also acting on behalf of Gisela Weil

in re Accounts of Nathan Weil

Claim Number: 216910/AH

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Walter Léopold Weil (the “Claimant”) to the account of Nathan Weil. This Award is to the account of Nathan Weil (the “Account Owner”) at the Basel branch of the [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.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner Nathan Weil as his father, who was born on 29 November 1881, in Uttlingen, Germany, and was married to Cilly Neumetzger on 10 July 1919, in Boffingen, Germany. The Claimant indicated that his father lived with his family in Lichtethaller Alée, in Baden-Baden, Germany, and then in 1933, they moved to Haguenau, France, where he worked as a representative of a shoe factory named *Sportex*. The Claimant stated that in 1938, his family moved to Strasbourg, France, and lived at 78 Avenue des Vosges until 1939, when they moved from Strasbourg to Chartre, France. The Claimant indicated that his father died on 27 November 1941, in Salagnac, France, and that his mother died on 28 July 1972 in Strasbourg. In support of his claim, the Claimant submitted documents, including his birth and marriage certificates, indicating his father’s name and profession and his residence in Strasbourg. The Claimant further indicated that his brother and sister also passed away over the years and that he is representing his sister-in-law, Gisela Weil, née Ausubel, who was born on 2 January 1919, in Vienna, Austria, and was married to his late brother, Hans Weil. The Claimant stated that he was born on 29 December 1923 in Baden-Baden.

Information Available in the Bank's Records

The Bank's records consist of a registry card and a list of dormant accounts prepared as a result of an internal survey conducted by the Bank. According to these records, the Account Owner was Nathan Weil, who resided in Strasbourg, France. The Bank's records indicate that the Account Owner held a demand deposit account, but do not indicate its opening date. The account was transferred to a suspense account for dormant assets on 1 January 1949. The amount in the account on the date of its transfer was 44.20 Swiss Francs. The Bank's records further indicate that the account was included on a list of dormant accounts prepared by the Bank, pursuant to an internal bank survey on 27 August 1959. The Bank's records indicate that the account was closed to the Bank's profit and loss account on 24 January 1964. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant identified his father's city and country of residence as Strasbourg, France, which matches the published information about the Account Owner's city and country of residence. In support of his claim, the Claimant submitted documents, including his birth and marriage certificates, indicating his father's name and profession and his residence in Strasbourg, thus providing independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner, and that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's records as the Account Owner. Furthermore, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence than the city or country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as Victims 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 following the rise of the Nazis, his family was persecuted and the Account Owner fled his home.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents and information, including his birth and marriage certificates, demonstrating that he is the son of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account and was later closed to the Bank's profit and loss account.

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 his father, and this 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

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 1 January 1949 was 44.20 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 26,750.00 Swiss Francs.

Division of the Award

The Claimant is representing his late brother's widow, Gisela Weil, née Ausubel, in his claim. According to the principles of distribution set forth in Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased and none of that child's descendants have submitted a claim to the account, that child's spouse shall be considered a child of the Account Owner. Thus, Gisela Weil, née Ausubel, shall be considered as the child of the Account Owner for the purpose of dividing the Award. Therefore, Gisela Weil, née Ausubel, and the Claimant 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 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
20 May 2004