

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Fritz Weiss

Claim Number: 209169/BW/AC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”), to the published account of Fritz Weiss (the “Account Owner”) at the Lucerne branch of the [REDACTED] (the “Bank”).²

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 maternal uncle, Fritz (Fred) A. Weiss, who was born on 12 February 1904 in Vienna, Austria. According to the Claimant, her uncle, who was Jewish, resided at Linke Wienzeile 8 in Vienna until 1938, at which time he was sent to a prison in Germany by the Nazis, in order to compel his father, [REDACTED], to turn himself in to the Nazi authorities. According to the Claimant, [REDACTED] (the father of Fritz Weiss, was the Austrian General Consul to Portugal and resided in Lisbon, Portugal at the time of the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). The Claimant stated that her uncle escaped in 1941 and fled to Switzerland, where he and his mother took up residence in Baden, where he worked for the Swiss government photographing the conditions in immigrant labor camps. The Claimant further indicated that her uncle never married, and emigrated to the United States in the 1950s.

¹ Claimant [REDACTED] (the “Claimant”) submitted three additional claims, which are registered under the Claim Numbers 209168, 209503 and 213678. In a separate decision, the CRT awarded the accounts Adolf Weiss, Ellen Weiss, and Paul Weiss to the Claimant. See *in re Accounts of Adolf Weiss, Ellen Weiss and Paul Weiss* (approved on 27 February 2007).

² The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Fritz Weiss appears twice. Upon careful review, the CRT has determined that the second Fritz Weiss is not the same person addressed in the aforementioned decision and, consequently, the Claimant has not identified this other account owner as her relative.

The Claimant stated that her mother, [REDACTED], née [REDACTED], was the only one of five siblings who had children, and that the Claimant is her only child.

The Claimant submitted copies of documents, including: (1) her grandmother's German passport, issued in 1939, which indicates that [REDACTED] lived in Vienna, and was Jewish; (2) her mother's birth certificate, issued by the Jewish Community of Vienna, which indicates that [REDACTED] was born 27 October 1906 to [REDACTED] and [REDACTED] in Vienna; (3) the marriage certificate for her mother [REDACTED]'s first marriage to [REDACTED], which indicates that [REDACTED] was Jewish, that she was born in and resided in Vienna; (4) her mother's death certificate, indicating that [REDACTED] was born on 27 October 1906 in Vienna, that her parents were [REDACTED] and [REDACTED], and that she had a daughter named [REDACTED]; and (5) her mother's will, indicating that [REDACTED]'s sole beneficiary was [REDACTED].

The Claimant indicated that she was born on 3 February 1951 in Bridgeport, Connecticut, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Fritz Weiss, who resided in Vienna. The Bank's record indicates that the Account Owner held a demand deposit account.

The Bank's record indicates that the account was closed on 25 May 1940. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different family name spelling, city or country of residence of the Account Owner than the family name spelling, city or country of residence of the Account Owner. One additional claim to this account was disconfirmed because that claimant more plausibly identified a different account owner with the same name as 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 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, that he resided in Nazi-controlled Austria, and was sent to a prison in Germany by the Nazis, where he was held for over two years until he escaped to Switzerland.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted copies of her grandmother's passport, and her mother's birth certificate, marriage certificate, and death certificate. The CRT notes that it is plausible that these documents are documents that most likely only a family member would possess, and which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Vienna. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Austria until his arrest and imprisonment; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his 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 account proceeds 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 Account Owner held a demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”). 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 a total award amount of SF 26,750.00.

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 they 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
30 May 2007