

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Suzanne Renee Pinguet

**in re Accounts of Josef Weiss**

Claim Number: 219863/MBC<sup>1</sup>

Award Amount: 211,875.00 Swiss Francs

This Certified Award is based upon the claim of Suzanne Renée Pinguet, née Reininger, (the “Claimant”) to the published account of Paul Weiss.<sup>2</sup> This Award is to the published accounts of Josef Weiss (the “Account Owner”) at the [REDACTED] (“Bank I”) and at the Zurich branch of the [REDACTED] (“Bank II”) (together “the Banks”).<sup>3</sup>

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form to the account of her uncle, Paul Weiss, and in a telephone conversation with the CRT on 26 September 2005, the Claimant identified the Account Owner as her great-uncle, Josef Weiss, who was born in 1872, and who lived in Vienna, Austria. The Claimant indicated that Josef Weiss, who was Jewish, was married twice, and that he had children. The Claimant further indicated that her great-uncle was a successful designer and producer of women’s clothing in Vienna. The Claimant indicated that her great-uncle fled Austria in late 1938 or early 1939. In a telephone conversation with the CRT on 18 January 2006, the Claimant indicated that she believed Josef Weiss may have descendants in Australia, but that she was unable to locate them.

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<sup>1</sup> The Claimant submitted an additional claim, which is registered under the Claim Number 219864. The CRT will treat this claim in a separate determination.

<sup>2</sup> The CRT will treat the claim to this account in a separate determination.

<sup>3</sup> The CRT notes that the accounts in this Award were held at two different banks, and that two different teams of auditors carried out the investigation of these banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”). The auditors therefore did not consider whether these accounts were held by the same individual. However, given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

In support of her claim, the Claimant submitted an excerpt from the city registry of Pressburg, Austria-Hungary (today Bratislava, Slovakia), indicating that Josef Weiss was born 1 November 1872, and a notarized statement based on a declaration by the Claimant's father, Frédéric Reininger, confirming the death of her mother, who is identified as Gertrude Weiss, who was born in Vienna on 18 November 1901. The Claimant indicated that she was born on 25 December 1937 in Vienna.

### **Information Available in the Banks' Records**

#### **Bank I**

Bank I's record consists of an excerpt from a closing registry of numbered accounts. According to this record, the Account Owner was Josef Weiss, who resided in Vienna, Austria. 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") indicated that the Account Owner's address was at *Weiss and Krauss*, at Rabensteig 1 in Vienna. Bank I's record indicates that the Account Owner held one numbered account, the type of which is not indicated, with the designation 61405. Bank I's record indicates that this account was closed on 7 April 1938 by sending a check (*Checksendung*). Bank I's record does not indicate the value of this account. There is no evidence in Bank I's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

#### **Bank II**

Bank II's record consists of a customer card. According to this record, the Account Owner was Josef Weiss, who resided in Vienna. Bank II's record indicates that the Account Owner held one custody account, numbered 50697, and one demand deposit account. Bank II's record indicates that the demand deposit account was closed on 30 September 1937, and its proceeds transferred to a debit account (*Debitoren-Konto*). Bank II's record further indicates that the debit account was closed on 31 August 1938. In addition, Bank II's record indicates that the custody account was closed on 26 August 1938. Bank II's record does not indicate the values of these accounts. There is no evidence in Bank II's record that the Account Owner or his heirs closed the custody account and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Josef Weiss and Paula Weiss, née Tandler, numbered 28757 and 29758, respectively, both signed on 15 July 1938. These records indicate that Josef Weiss was born on 1 November 1872 in Pressburg, that he resided at Rabensteig 1 in Vienna I, and that he was married to Paula Weiss, née Tandler, who was born on 16 November 1893. These records also identify their children as

Maria Hanna Sara Weiss, who was born on 3 May 1924, and Eva Suse Sara Weiss, who was born on 12 May 1926. These records further indicate that Josef Weiss owned *Weiss & Kraus*, a women's clothing company located at Rabensteig 1 in Vienna, which was liquidated on 10 June 1938. According to these records, Josef Weiss' total assets amounted to 565,105.00 Reichsmark ("RM"), and, including the assets held by his wife, the family's net assets totaled RM 950,146.22, on which flight tax (*Reichsfluchtsteuer*) of RM 141,276.00 was assessed. The records also contain official correspondence that indicates that Josef Weiss paid the flight tax in November 1938, that he paid an undisclosed amount for the first two installments of atonement tax (*Judenvermögensabgabe*), that he and his family left Vienna for Palestine (today Israel) on 14 February 1939, having deposited RM 62,500.00 to obtain the required Palestine certificate, and that the Gestapo issued a confiscation order for all remaining domestically-held assets of Josef Weiss and his family on 28 January 1941. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner.<sup>4</sup>

In support of her claim, the Claimant submitted an excerpt from the city registry of Pressburg, indicating that Josef Weiss was born 1 November 1872, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Banks' records as the name of the Account Owner. Moreover, the CRT notes that the address specified by the auditors for the Account Owner at Bank I matches the address of Josef Weiss in the 1938 Census files, and that the Claimant's relative's date of birth and profession match information about Josef Weiss contained in the 1938 Census records. Accordingly, the CRT determines that it is plausible that the Claimant's relative filed the 1938 Census records, and therefore, the 1938 Census records provide independent verification that the person who is claimed to be the Account Owner had the same address reported by the ICEP auditors as the address of the Account Owner for the account held at Bank I. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities or countries of residence than the city and country of residence of 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, and that he fled with his family from Austria to Australia after the incorporation of Austria into the Reich on 13 March 1938 (the "*Anschluss*"). The CRT notes that the 1938 Census declaration filed by the Account

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<sup>4</sup> The CRT notes that, for the account held at Bank I, only the name and country of residence of the Account Owner were published.

Owner and the accompanying documents in his file demonstrate that he was forced to pay *Reichsfluchtsteuer* and atonement tax, and that his remaining assets were seized by the Nazis.

### 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 great-uncle.

The CRT notes that the Claimant identified information about the Account Owner as contained in the 1938 Census records, which matches unpublished information about the Account Owner reported by the auditors. The CRT further notes that the Claimant submitted a copy of an excerpt from the city registry of Pressburg, indicating that Josef Weiss was born on 1 November 1872. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of a notarized statement confirming the death of her mother, Gertrude Weiss, who was born in Vienna, which provides 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 CRT notes that the Claimant indicated that she believes that the Account Owner has other surviving heirs, but further notes that the Claimant was unable to locate them, and that they have not submitted claims to the CRT.

### The Issue of Who Received the Proceeds

Regarding the account of unknown type at Bank I, which was closed on 7 April 1938, and the custody account at Bank II, which was closed on 26 August 1938, given that the Account Owner was residing in Austria after the *Anschluss*; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Banks 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.

Regarding the demand deposit account held at Bank II, Bank II's records indicate that the proceeds from that account were transferred to a debit account on 30 September 1937, more than five months before the *Anschluss*, and that the debit account was closed on 31 August 1938. The CRT notes that the existence of a debit account indicates that the Account Owner was Bank II's debtor, and that the closure of the debit account indicates that the Account Owner repaid the debt

owed to Bank II. Accordingly, as the existence of this debit account does not reflect any asset ownership by the Account Owner, no award can be based on its existence.

### 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 demonstrated that the Account Owner was her great-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 two of the claimed accounts.

### Amount of the Award

This Award is for one account of unknown type at Bank I and one custody account at Bank II. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Consequently, the total 1945 value of the two accounts is SF 16,950.00. 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 211,875.00.

### **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 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  
12 May 2006