

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Leib Weissler

Claim Number: 210517/SJ¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Leib Weissler (the “Account Owner”) at the Zurich branch of 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 identifying the Account Owner as her paternal uncle, Leon Leib Weissler, who was born on 16 May 1882 in Ploska, Romania, and was not married. The Claimant indicated that her uncle, who was Jewish, was a landowner and that he lived in Romania until his death in Berlin, Germany, on 20 July 1932. The Claimant stated that her uncle traveled to Switzerland for vacations. The Claimant further stated that her father, Max Meyer Weissler, who was Leib Weissler’s brother, lived in Berlin until 1938, when the *Gestapo* arrested him and his wife, Regina Weissler. The Claimant explained that her parents were released in 1939 and the *Gestapo* gave them twenty-four hours to leave the country. The Claimant stated that her parents fled to Switzerland as refugees, where they stayed until September 1939, at which time they immigrated to Montreal, Canada. In support of her claim, the Claimant submitted a family tree as well as copies of the death certificates of Leon Leib Weissler, Max Mayer Weissler and Regina Weissler. The Claimant indicated that she was born on 16 April 1925 in Berlin, Germany. The Claimant is representing [REDACTED], her sister, who was born on 25 March 1922 in Berlin.

¹ The Claimant submitted additional claims to the accounts of her parents Max and Regina Weissler, which are registered under the Claim Numbers 210516 and 210515, respectively. The CRT will treat the claims to these accounts in a separate decision. Because those claims also identify Leib Weissler, the CRT has included information in this Award that may have been provided in those Claim Forms.

Information Available in the Bank's Records

The Bank's records consist of numerous power of attorney forms all signed in Zurich on 3 August 1931 and printouts from the Bank's database. According to these records, the Account Owner was Leib Weissler, who resided in Seletin, Bukovina, Romania. The Power of Attorney Holders were Regina Weissler, Mayer Weissler, both of whom resided at Kleinstrasse 9 in Berlin W62, Germany, Froim Weissler, Rosa Weissler, Jakob Weissler and Sala Weissler, all of whom resided at Grollmannstrasse 36 in Berlin-Charlottenburg. The Bank's records indicate that the Account Owner held one custody account.² The Bank's records do not show when the account was closed or to whom the account was paid, nor do these records indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner, and her mother and father's names match two of the published Power of Attorney Holders. The Claimant identified her uncle's residence as Ploska, Romania, which matches published information about the Account Owner contained in the Bank's records. Specifically, the Claimant has identified her uncle's place of birth and residence as Ploska, Romania; the Bank's records indicate that the Account Owner was from Seletin, in Bucovina, Romania. Research conducted by the CRT has shown that Setelin and Polska were either the same or neighboring towns. Furthermore, the Claimant stated that her parents Max Mayer Weissler and Regina Weissler lived in Berlin, Germany, which matches unpublished information contained in the Bank's records. In support of her claim, the Claimant submitted a family tree as well as copies of the death certificates of Leon Leib Weissler, Max Mayer Weissler and Regina Weissler. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant indicated that the Account Owner was Jewish and died in Berlin in 1932, before the Nazis took control of the government of Germany. However, the CRT notes that the Account Owner named his brother and sister-in-law as two of the power of attorney holders to the account and that they were victims of Nazi persecution, as they were Jewish, arrested by the

² The Bank's records contain a power of attorney form that references a "Titeldepot," a type of custody account.

Gestapo and then forced to flee Germany. Accordingly, the CRT finds that the account at issue can be considered to have been owned by a Victim of Nazi Persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was her uncle by submitting documents, including a family tree and copies of the death certificates of Leon Leib Weissler, Max Mayer Weissler and Regina Weissler. The CRT notes that Claimant identified unpublished information, as contained in the Bank's records, regarding the Power of Attorney Holders, who were the Account Owner's brother and sister-in-law.

The Issue of Who Received the Proceeds

Given that the parties holding an interest in the account were victims of Nazi persecution as a result of their arrest by the *Gestapo* and forced flight from Germany; the unknown time of the closing of this account; the lack of evidence of payment to the Account Owner or the Power of Attorney Holders; and given the application of Presumptions (h), (i) 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, the Power of Attorney Holder or their 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. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 a total award amount of 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted

a claim, in equal shares by representation. In this case, the Claimant is representing her sister, [REDACTED]. Accordingly, the Claimant and her sister 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 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
August 20, 2003