

# CLAIMS RESOLUTION TRIBUNAL

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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 Regina Weissler**

Claim Number: 210515/SJ<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Regina Weissler (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 Form identifying the Account Owner as her mother, Regina Weissler, née [REDACTED], who was born on 17 August 1895 in Berlin, Germany, to [REDACTED] and [REDACTED], née [REDACTED], and was married to [REDACTED] on 10 October 1920 in Berlin. The Claimant stated that her mother, who was Jewish, lived until 1938 at Augsburgstrasse 62 in Berlin, when the *Gestapo* took her into custody and detained her until 1939. The Claimant further stated that, after her release, her mother and father fled to Switzerland, where they remained until September 1939, at which point they went to Canada. From 1939 until her death in 1985, the Claimant’s mother resided in Montreal, Canada. The Claimant indicated her mother had two children: the Claimant and the Claimant’s sister, [REDACTED], née [REDACTED]. In support of her claim, the Claimant submitted a family tree as well as a copy of Regina Weissler’s burial certificate.

The Claimant stated that she was born on 16 April 1925 in Berlin. The Claimant is representing [REDACTED], her sister, who was born on 25 March 1922 in Berlin.

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<sup>1</sup> The Claimant submitted additional Claim Forms to the accounts of her father, [REDACTED], and her uncle, [REDACTED], which are registered under Claim Numbers 210516 and 210517, respectively. The CRT will treat the claims to these accounts in separate decisions.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Regina Weissler who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a demand deposit account which was opened on an unknown date. The account was closed on 11 March 1937. The amount in the account on the date of its closure is unknown. The Bank's record does not show to whom the account at issue was paid. There is no evidence in the Bank's record that the Account Owner or her 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 mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified her mother's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted a family tree and a copy of the burial certificate of her mother, 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 has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, was detained by the Gestapo when she lived in Germany, and was forced to flee Germany in 1939.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner is her mother.

### The Issue of Who Received the Proceeds

Given the Account Owner's residence in Germany during the 1930s, her arrest by the Gestapo during 1938-39, the closure of her account in March 1937, her inability to repatriate her account to Germany during this period without the probability of its confiscation; and given the application of Presumptions (a), (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 her 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one 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 (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 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 a total award amount of 26,750.00 Swiss Francs.

### Division of the Award

According to Article 23 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 in these proceedings. Therefore, her sister is entitled to receive 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  
July 15, 2003