

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alexander Weisz

Claim Number: 600002/ZP¹

Award Amount: 4,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Alexander Weisz (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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his paternal great-uncle, Alexander (Alexandor or Sandor) Weisz (Weiss), who was born on 9 February 1863 in Budapest, Hungary. The Claimant stated that his great-uncle, who was Jewish, was never married and had no children. The Claimant stated that Alexander Weisz was the brother of the Claimant’s grandfather, [REDACTED]. The Claimant explained that his grandfather changed his surname from [REDACTED] to [REDACTED] on 19 July 1894. According to the Claimant, his great-uncle and grandfather were stamp dealers who owned a shop in Berlin, Germany. The Claimant explained that his great-uncle moved to Vienna, Austria. The Claimant stated that, according to stories he heard as a child, his great-uncle amassed considerable wealth and had Swiss bank accounts and a safe deposit box containing money and jewelry. The Claimant stated that, when his great-uncle died in 1942 in the Jewish hospital of Vienna, he was penniless because he had been denied access to his accounts.

The Claimant indicated that in 1963, his paternal aunt, [REDACTED], née [REDACTED], retained [REDACTED], a lawyer from Vienna, to search for assets owned by Alexander Weisz. The Claimant stated that [REDACTED] informed his aunt that an account existed in a bank located in Vienna into which Alexander Weisz deposited money and jewellery which were to be transferred to a bank in Switzerland. The Claimant stated that his aunt was further informed that any account

¹ The Claimant submitted a claim, numbered B-00066, on 27 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600002.

information pertaining to his great-uncle could not be accessed because it was a numbered account requiring a password. The Claimant stated that the letter from [REDACTED] to his aunt containing this information had been lost and that both [REDACTED] and the Claimant's aunt died in the mid-1980s.

The Claimant previously submitted a claim to the Swiss Banking Ombudsman at the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Swiss Banking Ombudsman" or "SBO") seeking to recover an account owned by Alexander Weisz. The Claimant indicated that the SBO informed him, in a letter dated 5 February 1997, that no account records were located.

In support of his claim, the Claimant submitted the birth certificate of his great-uncle, Alexander Weisz, which indicates that his great-uncle was born on 9 February 1863 and that his parents were [REDACTED] and [REDACTED], née [REDACTED]. He also submitted the birth certificate of his grandfather, [REDACTED] (which was changed to [REDACTED] in 1894 as noted above), which indicates that his grandfather's parents were [REDACTED] and [REDACTED], née [REDACTED]; and the birth and death certificate of his father, [REDACTED], which indicates that his father's parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant also submitted his own birth certificate which indicates that he was born on 13 May 1929 in Budapest and that his parents are [REDACTED] and [REDACTED], née [REDACTED]. In addition, the Claimant provided a copy of a letter dated 7 October 1996 from the *Israelitische Kultusgemeinde Wien* explaining the circumstances of his great-uncle's death. Finally, the HCPO provided a copy of record number 41385 from the Austrian State Archives (Archive of the Republic, Finance), which concerns the assets of Alexander Weisz, and which was signed by Alexander Weisz on 31 July 1938 in Vienna.

Information Available in the Bank's Records

The CRT notes that no bank records belonging to an account owned by Alexander Weisz were reported by 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").

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Alexander Weisz, numbered 41385, signed by Alexander Weisz on 31 July 1938 in Vienna. According to this record, Alexander Weisz, who was Jewish, was born on 9 February 1863 and was not married. This record indicates that Alexander Weisz resided at Grünetorgasse 24 in Vienna IX, that he was a stamp dealer at the same address, and that his business was valued at approximately 76,400.00 Reichsmarks (1938 value) and was transferred to a temporary administrator in April 1938 in preparation for liquidation. This record also indicates that Alexander

Weisz owned various foreign stocks and bonds of an undetermined value, as well as bank assets worth 15,042.66 Reichsmarks (1938 value). The record further indicates that Alexander Weisz was assessed a "flight tax" (*Reichsfluchtsteuer*) of 24,500.00 Reichsmarks on 13 March 1940. This amount was subsequently lowered to 15,500.00 Reichsmarks on 8 May 1940. In addition, the record shows that Alexander Weisz held an account, the type of which is not indicated, at the Bank with a balance of 390.00 Swiss Francs as of 31 July 1938.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant identified his great-uncle's date of birth, place of residence and profession, all of which match information about the Account Owner contained in the Austrian State Archives. Furthermore, the Claimant previously submitted a claim to the SBO in 1997 seeking to recover an account owned by Alexander Weisz which indicates that the Claimant had reason to believe that his relative owned a Swiss bank account. In support of his claim, the Claimant submitted documents, including his great-uncle's birth certificate which indicates that his father was [REDACTED] and his mother was [REDACTED], née [REDACTED]. The Claimant also submitted his paternal grandfather's, his father's and his own birth certificate. This chain of documents demonstrates that the Account Owner was the Claimant's great-uncle. The CRT notes that other claims to this account were disconfirmed because those claimed account owners resided in a different country, had a different date of birth and/or different marital status from the Account Owner in this case.

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, resided in Nazi-controlled Vienna, Austria after the Nazi annexation of Austria in 1938 (the "*Anschluss*") and that he died in a Jewish hospital in Vienna in 1942. Moreover, the records of the Austrian State Archives indicate that the Account Owner's business was liquidated in 1938 by Nazi authorities.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was his great-uncle, including his great-uncle's birth certificate which indicates that his great-uncle's father was [REDACTED] and his mother was [REDACTED], née [REDACTED]. The Claimant also submitted his paternal grandfather's, his father's and his own birth certificate. This chain of documents demonstrates that the Account Owner was the Claimant's great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the Account Owner's Swiss bank account was reported in the 1938 census form which was obtained from the Austrian State Archives, and that these records also indicate that the Account Owner's business was liquidated by the Nazis in 1938; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found that numerous confiscations of Swiss bank accounts occurred at this time; that the Account Owner was Jewish and died in a Jewish hospital in Vienna in 1942; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's 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 (d), (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 his great-uncle, and that 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 account of unknown type. The Austrian State Archives records indicate that the value of the account as of 31 July 1938 was 390.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 4,875.00 Swiss Francs.

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