

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2]

in re Account of *Frau* Hugo Wolf

Claim Number: 211599/ES

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Hugo Wolff.¹ This Award is to the published account of *Frau* Hugo Wolf (the “Account Owner”) at 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 his paternal aunt, Hedwig Wolf, née Jakob, who was born on 7 January 1896 in Spiesen, Germany, and was married to Hugo Wolf, a merchant. The Claimant stated that his uncle and aunt, who were Jewish, resided in Beurig in Saarland, Germany until 1941, when they moved to Trier, Germany. The Claimant stated that his uncle and aunt were deported to the Izbica transit camp in May 1942, where they perished in 1943.

The Claimant submitted an excerpt from the *Gedenkbuch für die Juden von Trier* (Memorial Book for Jews from Trier) and a letter from the United States Holocaust Memorial Museum, both indicating that Hugo and Hedwig Wolf were deported from Trier on 1 March 1943 and that their ultimate fate is unknown; a letter from [REDACTED], née [REDACTED], the sister of Hedwig Wolf, née Jakob, indicating that Hedwig Wolf, née Jakob, was her sister and the sister of [REDACTED] and that both Hugo and Hedwig Wolf were born in Saarland, Germany; and an excerpt from a family history book, indicating that Hugo Wolf resided in Trier.

¹ The CRT will treat the claim to this account in a separate decision.

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”), this account was published as belonging to Hugo Wolf. Upon careful review, the CRT has concluded that the Bank’s records evidence that the Account Owner was in fact *Frau* Hugo Wolf.

The Claimant indicated that he was born on 13 August 1929 in St. Ingbert, Saarland, Germany.

The Claimant represents his cousin, [REDACTED 2], née [REDACTED], who was born on 19 March 1926 in St. Ingbert. The Claimant indicated that he and his cousin are the only surviving heirs of his uncle.

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* Hugo Wolf, who resided in Aachen, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 31 September 1933 and closed on 28 February 1934.

The Bank's record does not show to whom it was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's married name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Claimant indicated that his aunt resided in Beurig, while the Bank's record indicates that the Account Owner resided in Aachen, Germany. However, the CRT notes that Aachen is approximately only 180 kilometers away from Beurig, and finds it plausible that the Claimant's uncle, who was a merchant, may have traveled for business or had business addresses other than in Beurig.

In support of his claim, the Claimant submitted documents, including an excerpt from the *Gedenkbuch für die Juden von Trier* (Memorial Book for Jews from Trier) and a letter from the United States Holocaust Memorial Museum, both indicating that Hugo and Hedwig Wolf resided in Germany; and a letter from [REDACTED], née [REDACTED], the sister of Hedwig Wolf, née Jakob, indicating that both Hugo and Hedwig Wolf were born in Saarland, Germany. These documents are providing independent verification that the persons who are claimed to be the Account Owners had the same name and resided in the same country recorded in the Bank's record as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hedwig Wolf, and indicates that her date of birth was 7 January 1896 and that her place of birth was Spiessen, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owner as Victims 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 she and her husband were deported to a concentration camp in May 1942, where they perished in 1943. The Claimant also submitted an excerpt from the *Gedenkbuch für die Juden von Trier* (Memorial Book for Jews from Trier) and a letter from the United States Holocaust Memorial Museum, both indicating that Hugo and Hedwig Wolf were deported from Trier on 1 March 1943 and that their ultimate fate is unknown.

As noted above, a person named Hedwig Wolf was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owners were the Claimant's aunt. The CRT notes that the Claimant identified information, which matches information contained in the Yad Vashem records; that the Claimant submitted an excerpt from the *Gedenkbuch für die Juden von Trier* (Memorial Book for Jews from Trier); a letter from the United States Holocaust Memorial Museum; an excerpt from a family history book; and a letter from [REDACTED], née [REDACTED], the sister of Hedwig Wolf, née Jakob, indicating that Hedwig Wolf, née Jakob, is her sister and the sister of [REDACTED] and that both Hugo and Hedwig Wolf were born in Saarland, Germany. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and all this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account was closed on 28 February 1934.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until her deportation to a concentration camp in 1942, where she perished in 1943, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; that the Account Owner's heirs would not have been able to obtain information about her 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

inquires by account owners because of the banks' concern regarding double liability; 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) and Appendix C,³ 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 his aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

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.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his cousin, [REDACTED 2], née [REDACTED]. Accordingly, the Claimant and his cousin 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 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).

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
10 December 2004