

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ida Wolf

Claim Numbers: 707442/CC/ES;¹ 750079/CC/ES²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Ida Wolf (the “Account Owner”) at the Basel 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.³

Information Provided by the Claimant

The Claimant submitted an ATAG Ernst & Young claim form and an Initial Questionnaire (“IQ”) identifying the Account Owner as her mother, Ida Wolf, née Dornhard, who was born on 10 October 1905 in Grumbach, Germany and was married to [REDACTED] in 1935. According to the Claimant, her parents lived in Partenheim bei Mainz, Germany, where her father worked as a cattle dealer. In telephone conversations on 5 and 6 April 2005, the Claimant stated that, in late 1937, her parents, who were Jewish, planned to emigrate to the United States. The Claimant

¹ Claimant [REDACTED] did not submit a Claim Form to the CRT. However, in 1998 she submitted an Initial Questionnaire (“IQ”), numbered FRE/0010115, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 707442.

² In 1998 the Claimant submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-C-80-120-133-719, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 750079.

³ As a matter of policy, the CRT affords confidential treatment to all IQs.

explained that her parents were forced to abandon these plans at the last minute, but were able to secure her safety by sending her to live with [REDACTED] and [REDACTED], the Claimant's maternal aunt and uncle, in Grosbliederstroff, France, on 1 January 1938. The Claimant indicated that her father continued to work as a cattle dealer until early 1938, when the Nazis arrested and deported him, and that her mother worked in Mainz until early 1940, when she was deported. According to the Claimant, her parents were shot in a concentration camp in 1944 or 1945. The Claimant stated that she survived in hiding in the convent of St. Juste at St. Etienne sur Loire, France from 1941 to 1945. The Claimant stated that [REDACTED] and [REDACTED] were deported to Drancy, but that they both survived the War and later adopted the Claimant.

In support of her claim, the Claimant submitted the affidavit of [REDACTED], née [REDACTED], (her mother's cousin) and her husband, [REDACTED], who stated that they personally knew Ida and [REDACTED] Wolf, that the Wolf family lived in Partenheim bei Mainz, and that on 1 January 1938 Ida and [REDACTED] handed their daughter to [REDACTED] and [REDACTED], the Claimant's maternal aunt and uncle, on the bridge connecting Kleinbliederstroff, Germany, with Grosbliederstroff, France, where the [REDACTED] lived. According to their affidavit, Ida and [REDACTED] Wolf made arrangements to transfer some of their assets to a bank in Switzerland. [REDACTED] and [REDACTED] stated that Ida and [REDACTED] Wolf disappeared and were never heard from again. The Claimant also submitted her birth certificate, which indicates that she was born in Partenheim bei Mainz and that her parents were [REDACTED] and Ida Wolf, née Dornhard.

The Claimant indicated that she was born on 26 June 1936.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Mrs. Ida Wolf, who resided in Mainz, Germany. The Bank's record indicates that the Account Owner held one demand deposit account, which was opened on 10 January 1940 and closed on 30 April 1940 to an unknown party. The Bank's record does not indicate the value of this account. 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

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended, (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that her mother worked in Mainz until her arrest in 1940, which matches unpublished information about the Account Owner's city of residence. Further, the Claimant identified her mother's city of residence prior to the Second World War as Partenheim, which is only approximately 20 kilometers from Mainz. In support of her claim, the Claimant submitted documents, including her birth certificate, providing independent verification that the person claimed to be the Account Owner had the same name as the name of the Account Owner, and that she resided in the vicinity of the same city as the city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of the victims of Nazi persecution includes a person named Ida Wolf, née Dornhard, and indicates that her place of birth was Grumbach and that her place of residence was Partenheim/Mainz, 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 Claimant filed an IQ with the Court in 1999 and ATAG Ernst & Young claim form in 1997, asserting her entitlement to a Swiss bank account owned by her mother, Ida Wolf, prior to the publication in February 2001 of the 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 indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities of residence and different married names from the city of residence and married name 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 she was deported to a concentration camp, where she perished in 1944 or 1945. As noted above, a person named Ida Wolf was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include the Claimant's birth certificate, indicating that the Claimant is the daughter of Ida Wolf, née Dornhard. There is no information to indicate that the Account

Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner remained in Germany until her deportation in 1940; that the Account Owner subsequently perished in a concentration camp in 1944 or 1945; 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 inquiries by account owners because of the banks' concern regarding double liability; 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. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heir 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 ICEP (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.

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 claims 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
15 July 2005