

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of P. Wolf

Claim Numbers: 209878/RS; 704043/RS^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Arthur Wolf.³ This Award is to the published account of P. Wolf (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 and an Initial Questionnaire (“IQ”), identifying himself as the Account Owner. The Claimant indicated that he was born on 4 April 1924 in Flonheim, Germany. He also indicated that he was Jewish, and that his father owned a wine factory in Flonheim. According to the Claimant, from 1933 to 1934, his father was imprisoned in the Osthofen concentration camp, where he was forced to perform slave labor. The Claimant further stated that his father’s wine factory was looted of its equipment by the Nazis in approximately 1939, and ultimately expropriated by the Nazis. The Claimant stated that his family fled Germany in 1937. Finally, the Claimant indicated that his paternal grandfather, [REDACTED], perished in Teresienstadt concentration camp on 20 March 1943.

¹ In a separate decision released 19 July 2007, the CRT treated the claim of Claimant [REDACTED] (the “Claimant”) to the accounts of Arthur Wolf and Jakob Wolf.

² In addition to a Claim Form, the Claimant, in 1999, submitted an Initial Questionnaire (“IQ”), numbered ENG-0394-149, 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 704043.

³ See footnote 1.

In support of his claim, the Claimant submitted copies of a document issued by the Red Cross's International Tracing Service, indicating that [REDACTED] perished in Teresienstadt on 20 March 1943.

The Claimant indicated that he was born on 4 April 1924 in Flonheim, Germany.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts transferred to the Bank's suspense account or closed to fees on 30 June 1937, and a printout from the Bank's database.

According to these records, the Account Owner was P. Wolf. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was transferred to the Bank's suspense account on 30 June 1937. The records further indicate that the account had a balance of 125.70 Swiss Francs ("SF") as of 30 June 1937.

The account remains suspended.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant's first initial and surname match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her name. The CRT notes that the Claimant did not claim his own account in his claim form or IQ. However, the Claimant, who was born in 1924, was a young child at the time the account was opened, and that he may not have been aware that an account was opened in his name. He therefore would not have known to attempt to retrieve the account after the War or to claim it during the claims resolution process.

The CRT notes that the name P. Wolf appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Arthur Wolf, prior to the publication in February

2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant had reason to believe that his family members 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 there are no other equally plausible claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that he, as the Account Owner, was a Victim of Nazi Persecution. The Claimant stated that he is Jewish, and that he resided in Nazi Germany. He further indicated that his father’s wine factory was expropriated by the Nazis; that his father was forced to perform slave labor in a concentration camp between 1933 and 1934; and that his grandfather [REDACTED] perished in Teresienstadt. The Claimant also submitted a document from the Red Cross’s International Tracing Service, indicating that [REDACTED] perished in Teresienstadt in 1943.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific biographical information.

The CRT further notes that the Claimant submitted a copy of a Red Cross International Tracing Service document, which provides independent verification that the Claimant’s relative bore the same family name as the Claimant/Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess, and all of this information supports the plausibility that the Claimant is the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was transferred to the Bank’s suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that he is the Account Owner. Third, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank’s records indicate that the value of the account as of 30 June 1937 was SF 125.70. According to Article 29 of the

Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Certification of the Award

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

Claims Resolution Tribunal
12 May 2009