

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant George Wolf
also acting on behalf of Maria Brody

in re Accounts of R. Wolf

Claim Number: 204768/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of George Wolf (the “Claimant”) to the account of Hugo Wolf.¹ This Award is to the accounts of R. Wolf (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandmother, Rosa Wolf, née Kerpel, who was born in the 1860’s in Mattersburg, Hungary, and was married to Wilhelm Wolf. The Claimant further stated that his grandmother, who was Jewish, resided with her husband, who was a medical doctor, at Neunkirchnerstrasse in Wiener Neustadt, Austria. In a telephone conversation with the CRT, the Claimant stated that one of his grandmother’s sons, Otto Wolf, who was a businessman with international connections, might have opened the account in his mother’s name, as she did not travel much. The Claimant further stated that his grandmother fled, together with her husband and her son Otto Wolf, in late 1938 or early 1939, to Buenos Aires, Argentina, where she died on 25 June 1949. In support of his claim, the Claimant submitted documents including the birth certificate of his father, Hugo Wolf, indicating his parents were Dr. Wilhelm Wolf and Rosa Wolf, née Kerpel; his father’s Hungarian marriage certificate, again indicating that his parents were Dr. Vilmos Wolf and Rosa Kerpel; his own birth certificate dated 28 July 1922, indicating his parents were Attorney Dr. Hugo Wolf and Margarete Wolf, née Schönberger; his sister’s birth certificate dated 23 October 1925, a handwritten and signed letter from his father to the Claimant and his sister, dated 21 August 1943; his parent’s last will and testament dated 29 December 1945; and a handwritten letter from his grandmother to his sister Maria, written in 1948.

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

The Claimant indicated that he was born on 16 June 1922 in Vienna, Austria. The Claimant is representing Maria Brody, née Wolf, his sister, who was born on 3 October 1925 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, two signature samples of the Account Owner, and an excerpt from a list of account owners. According to these records, the Account Owner was R. Wolf who resided in Vienna, Austria, and the Power of Attorney Holder was Anny Bachl. The Bank's records indicate that the Account Owner held a demand deposit and a custody account. These records indicate that both accounts were opened under the number 1760. The Bank's records further indicate that the accounts were opened on 24 September 1937.

The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts.

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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

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 Rosa Wolf. These documents, numbered 24449, indicate that Rosa Wolf was born on 1 July 1864, that she was domiciled at Sterngasse 11, in Vienna I, and that she later moved to Neunkirchnerstrasse in Wiener Neustadt. These records also include an administrative order, dated 2 December 1939, which was issued to transfer the file from Vienna to the province of Lower Austria (*Reichsgau Nieder-Donau*). These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the unpublished last name and first initial of the Account Owner. The Claimant identified his grandmother's street address and stated that she resided in Wiener Neustadt, which matches information about the Account Owner contained in the Austrian State Archives records. The CRT notes that Wiener Neustadt is located

approximately 50 kilometers from Vienna, which is the unpublished city of residence of the Account Owner contained in the Bank's records. In addition, the CRT notes that the Austrian State Archives indicate that the Account Owner initially lived in Vienna, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT further notes that the Claimant submitted numerous documents, including the birth certificate of his father, Hugo Wolf, indicating his parents were Dr. Wilhelm Wolf and Rosa Wolf, née Kerpel; and his own birth certificate, indicating his parents were Attorney Dr. Hugo Wolf and Margarete Wolf, née Schönberger. Furthermore, the Claimant submitted a sample of his grandmother's handwriting, which appears to match the signature samples contained in the Bank's records. The CRT also notes that it has awarded the Claimant accounts belonging to his father, Dr. Hugo Wolf, based on the Claimant's providing information that matched unpublished information about Account Owner Dr. Hugo Wolf. Finally, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different countries 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 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 fled Austria for Argentina in late 1938 or early 1939 to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his father's and his own birth certificates, demonstrating that he is the Account Owner's grandson.

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 CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about the accounts 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; and given the application of Presumptions (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 his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue was 15,140.00 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 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be made 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 his sister. Accordingly, the Claimant and his represented sister 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).

Certification of the Award

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

Claims Resolution Tribunal
6 February 2004