

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ludwig Weissbecker

in re Account of Roesli Wolf

Claim Number: 205205/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ludwig Israel Weissbecker (the “Claimant”) to the accounts of Hermann Wolf.¹ This Award is to the unpublished account of Roesli Wolf (the “Account Owner”) at the Lucerne branch of the [REDACTED] (the “Bank”).²

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 maternal grandmother, Rosalie Wolf, née Marburg, who was married to Siegfried Wolf. The Claimant indicated that his grandparents, who were Jewish, resided in Dudelsheim, Germany and that they had five children - Toni Weissbecker, née Wolf (the Claimant’s mother), who was born on 12 October 1900 in Dudelsheim and was married to Albert Weissbecker; Bertha Gottlieb, née Wolf; Hermann Wolf; Martin Wolf; and Ellie Stahl, née Wolf. According to the Claimant, during the Second World War, his uncle Hermann Wolf performed farm work in a labor camp in Germany in order to prove his fitness for entry into Switzerland. The Claimant indicated that his uncle became ill and was admitted to a hospital, where he was murdered on 23 April 1941 when all of the Jews in the hospital were killed by Nazis. The Claimant did not indicate the fate of his grandmother, but did state that his grandparents and their children, the Claimant’s mother and maternal aunts and uncles, are all now deceased.

¹ The CRT will treat the claim to these accounts in a separate determination.

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”), the name Rosa Wolf appears. Upon careful review, the CRT has determined that Rosa Wolf is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as his relative.

In support of his claim, the Claimant submitted a copy of his parents' marriage certificate - issued in Dudelsheim in 1936 and translated in New York, the United States in 1942 - indicating that Albert Weisbecker and Toni Wolf (who was born on 12 October 1900 in Dudelsheim) were married on 23 July 1929 in Dudelsheim and that the witnesses were Meier Marburg and Siegfried Wolf, both of whom resided in Dudelsheim.

The Claimant indicated that he was born on 24 May 1930 in Spachbrucken, Germany.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hermann Wolf.

Information Available in the Bank's Records

The Bank's records consist of a report from 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"). According to these records, the Account Owner was Roesli Wolf. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held an account numbered 1160, the type of which is not indicated, which was suspended by the Bank on 19 February 1993, when it contained a balance of 6.35 Swiss Francs ("SF"). The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name substantially matches the unpublished name of the Account Owner.³ The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than her name. The CRT notes that there are no other 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 the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that she and her family resided in Nazi Germany. The Claimant further stated that the Account Owner's son Hermann was murdered by the Nazis in a German hospital in 1941.

³ The CRT notes that in German, Roesli is a diminutive form of Rosalie.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's maternal grandmother. The CRT notes that the Account Owner's name was not published in connection with a Swiss bank account. The CRT further notes that the Claimant submitted a copy of his parents' marriage certificate, which provides independent verification that his maternal relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. The CRT notes that the Claimant indicated that he has surviving cousins, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains open and dormant.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her 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 auditor's report indicates that the value of the account as of 19 February 1993 was SF 6.35. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 805.00, which reflects standardized bank fees charged to the account between 1945 and 1993. Consequently, the adjusted balance of the account at issue is SF 811.35. 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.

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
12 October 2007