

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Erich Wolf

Claim Number: 500089/TW

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Erich 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 identifying the Account Owner as her maternal uncle, Erich Wolf, who was born at the beginning of the 1890s in Vienna, Austria, and who was of Austrian nationality. The Claimant indicated that her uncle was the son of [REDACTED] of Vienna, who owned a wholesale card business, and that he was the older brother of her mother, [REDACTED], née [REDACTED]. The Claimant stated that Erich Wolf was an actor who performed throughout Europe, including Switzerland. The Claimant indicated that she recalled a conversation between her uncle and her father that took place in 1939 in her uncle’s apartment in Prague, Czechoslovakia, in which her uncle mentioned owning a Swiss bank account. The Claimant stated that she did not know the whereabouts of the Account Owner in 1940 and that after the Second World War, she learned that Erich Wolf had been interned in a concentration camp in France, where he perished. The Claimant stated that her uncle, who was Jewish, did not marry or have any children, and that after the Second World War, as her uncle’s nearest surviving relative, she made an effort to assert her hereditary rights to her uncle’s Swiss bank account, but was unsuccessful. The Claimant indicated that she was born on 8 January 1922 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of an account registry card and printouts from the Bank's database. According to these records, the Account Owner was Erich Wolf, who provided the *Korso Theater* in Zurich, Switzerland, as his address. 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") indicated that the Account Owner also gave Prague, Czechoslovakia, and Hamburg, Germany, as his addresses.

The Bank's records indicate that the Account Owner held a demand deposit account, numbered 21979, and that on 19 April 1933 the account number was changed to 24707. According to the Bank's records, the balance of the account was 6,058.80 Swiss Francs as of 31 December 1933, 6,558.50 Swiss Francs as of 31 December 1934, 925.00 Swiss Francs as of 31 December 1935, 6,958.00 Swiss Francs as of 31 December 1936, 1,352.70 Swiss Francs as of 31 December 1937, 294.50 Swiss Francs as of 31 December 1938, and 11.50 Swiss Francs as of 31 December 1939. The Bank's records indicate that the account was closed on 23 May 1940. The CRT notes that the amount in the account shortly before its closure was 11.50 Swiss Francs, but that the precise amount on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant indicated that her uncle resided in Prague, Czechoslovakia, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also indicated that her uncle was an actor who performed in Switzerland, which is consistent with unpublished information that the Account Owner had an address at a theater in Zurich, Switzerland.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Erich Wolf and indicates that he was born on 7 December 1892 in Vienna, Austria, and was deported from France during the Second World War, which substantially matches the information about the Claimant's uncle 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 this account was disconfirmed because that claimant did not identify the Account Owner's connection to Prague, and did not provide a connection to Switzerland. Taking all 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 he perished in a concentration camp in France. As noted above, a person named Erich 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 demonstrating that the Account Owner was her maternal uncle. The CRT notes that the Claimant identified unpublished information as contained in the Bank's records about the Account Owner's addresses in both Prague and Zurich, and that the Claimant also identified information that matches information contained in the Yad Vashem records. 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner was an Austrian who resided in Prague and Zurich; that his whereabouts during World War II are unknown; that he perished in a concentration camp in France; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 (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 his 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account fluctuated throughout the years and was 11.50

Swiss Francs as of 31 December 1939, shortly before its closure on 23 May 1940. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 26,750.00 Swiss Francs.

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 claim 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
29 June 2004