

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Hans Wolff

Claim Number: 501003/MBC

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Hans Wolff (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 his maternal uncle by marriage, [REDACTED], who was born in 1897 in Berlin, Germany, and was married to [REDACTED], née [REDACTED]. According to information provided by the Claimant, [REDACTED]’s wife, [REDACTED], née [REDACTED], was the sister of [REDACTED], née [REDACTED], the Claimant’s mother. The Claimant indicated that his uncle, who was Jewish, was a jeweler and that he owned a jewelry store in Berlin. In a telephone conversation with the CRT on 6 June 2005, the Claimant stated that the jewelry store was located in Berlin-Charlottenburg and that the [REDACTED] family owned a house close to the store. The Claimant further stated that his uncle often traveled on business to France, the Netherlands, Switzerland, and Poland. According to the Claimant, [REDACTED] and [REDACTED] had a son, [REDACTED], who was born in 1927. The Claimant stated that after the outbreak of the Second World War, his parents lost all contact with [REDACTED]’s family in Berlin. The Claimant explained that his parents inquired with various organizations after the Second World War about the fate of [REDACTED]’s family, but they could not obtain any information. The Claimant further stated that his parents learned from other relatives that [REDACTED]’s house and jewelry store were confiscated by the Nazis and that he was deported with his wife and son to Auschwitz, where he perished in approximately 1940 or 1941. The Claimant indicated that he was born on 14 March 1932 in Warsaw, Poland.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Hans Wolff, who resided in Berlin-Charlottenburg, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, which was closed on 30 April 1933; and two custody accounts, numbered L44037 and 84062, which were closed on 6 June 1933 and 31 May 1955, respectively. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city and district of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city of residence than the city 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, that he resided in Nazi Germany, and that he and his family were deported to Auschwitz, where they perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's maternal uncle by marriage. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. 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. There is no information to indicate that the Account Owner has other surviving heirs who have filed a claim.

The Issue of Who Received the Proceeds

With respect to the demand deposit account and custody account, numbered L44037, the Bank's

record indicates that these accounts were closed on 30 April 1933 and 6 June 1933, respectively. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until he was deported to Auschwitz, where he perished, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs would not have been able to obtain information about his 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 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) and Appendix C,¹ 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.

With respect to the custody account, numbered 84062, the Bank's record indicates that this account was closed on 31 May 1955. Given that the Account Owner remained in Germany until 1941, when he was deported to Auschwitz, where he perished; that there is no record of the payment of the Account Owner's account to his heirs; that the Account Owner's 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner's heirs.

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 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and two custody accounts. 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Consequently, the total 1945 average value of the three accounts is SF 28,140.00. 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, to produce a total award amount of SF 351,750.00.

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 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 May 2006