

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of M. Zimmermann

Claim Numbers: 215466/GO; 787350/GO¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the account of Miklósné Zimmermann. This Award is to the unpublished account of M. Zimmermann (the “Account Owner”) at [REDACTED] (the “Bank”)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 an Initial Questionnaire (“IQ”) and a Claim Form identifying the Account Owner as his mother, Miklósné Zimmermann, née Blanka Ilkovics, who was born on 16 September 1900 in Szedikert, the Austro - Hungarian Empire, (today, Zahradne, the Slovak Republic) and was married to [REDACTED] on 20 December 1921 in Szedikert. The Claimant indicated that his parents, who were Jewish, resided at Rakoci Utca 23 in Mad, Hungary, and that they were farmers and owners of a vineyard. The Claimant stated that his parents had two children: [REDACTED] (the Claimant) and [REDACTED].

The Claimant indicated that his father died on 18 March 1938 in Mad, and that his mother was deported to Auschwitz, where she perished on 16 October 1944.

The Claimant indicated that he was born on 9 September 1922 in Budapest, Hungary.

¹ In 1999, [REDACTED] (the “Claimant”) submitted an Initial Questionnaire (“IQ”), numbered ENG-0670121, 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 787350.

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 this record, the Account Owner was M. Zimmermann. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held an account, the type of which is not indicated, and that the account was transferred to a suspense account on an unknown date. 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 mother's name matches the unpublished first initial and surname of the Account Owner. The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than his or her first initial and surname. The CRT further notes that there are no other equally plausible claims to this account.² 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 she resided in Nazi-allied Hungary, and that she was deported to Auschwitz, where she perished on 16 October 1944.

² As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

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 mother. The CRT notes that the Claimant indicated that he has another surviving relative, but that because she is not represented in the Claimant's claims, the CRT will not treat her 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 suspended.

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 the Account Owner was his mother, 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. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 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
29 September 2009