

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Alfred Bartmann

Claim Number: 501838/GO

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] ([REDACTED]) (the “Claimant”) to the published account of Alfred Bartmann (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 father, Alfred Bartmann, who was born on 11 October 1879 in either Germany or Austria, and was married to [REDACTED]. The Claimant indicated that his father, who was Jewish, was a merchant who resided in Vienna, Austria. The Claimant further indicated that after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”) his father fled from Vienna, and that his father died on 15 August 1952 in St. Pancras, the United Kingdom.

The Claimant submitted copies of: (1) his own birth certificate, which indicates that [REDACTED] was Jewish, that he was born on 16 October 1923 in Vienna, and that Alfred Bartmann and [REDACTED], née [REDACTED], were his parents; (2) his father’s death certificate, which indicates that Alfred Bartmann died on 15 August 1952 in St. Pancras; and (3) his own passport, indicating that Fredrick Bartman was born on 16 October 1923 in Vienna.

The Claimant indicated that he was born on 16 October 1923 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a list of numbered accounts. According to this record, the Account Owner was Alfred Bartmann, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 61763, which was closed on 13 April 1938, when its proceeds were transferred to the *Oesterreichische Kreditanstalt* bank in Vienna. The Bank's record does not indicate the value of the account on the date of its transfer. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alfred Bartmann, numbered 40207.

The records pertaining to Alfred Bartmann consist of his asset declaration, signed on 14 July 1938 in Vienna, and the correspondence between him and the Office of the Ministry for Economics and Labor, charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle* or "VVSt."), and the Reich Finance Office (*Finanzamt*). These documents indicate that Alfred Bartmann was born on 11 October 1879, that he was married to [REDACTED], née [REDACTED], that he was a businessman, and that he resided at Bennogasse 8 in Vienna. These records further indicate that Alfred Bartmann owned several securities with a total value of 26,437.00 Reichsmark ("RM"). According to these records, Alfred Bartmann was assessed flight tax (*Reichsfluchtsteuer*) of RM 34,220.00 on total assets of RM 136,882.00 on 15 December 1938. 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 father's name and city and country of residence match the published name and city and country of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including his own birth certificate, and his father's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Alfred Bartmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

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 he fled Austria after the *Anschluss* in 1938. Furthermore, the CRT notes that the Account Owner was forced to register his assets pursuant to the 1938 Census.

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 and documents, demonstrating that the Account Owner was the Claimant’s father. These documents include the Claimant’s own birth certificate, which indicates that [REDACTED] was Alfred Bartmann’s son. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank’s record indicates that the account was closed on 13 April 1938, when its proceeds were transferred to the *Oesterreichische Kreditanstalt* in Vienna.

Given that the Account Owner would not have been able to repatriate the account to Austria without losing ultimate control over the proceeds; 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 (a), (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 his father, 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 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 investigation carried out pursuant to the instructions of ICEP, 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
13 February 2009