

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Richard Bass

Claim Number: 203128/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Richard Bass (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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, Dr. Richard Bass, who was born on 27 October 1892 in Vienna, Austria, and was married to [REDACTED], née [REDACTED] on 28 January 1927 in Vienna. The Claimant stated that his father was a partner in the publishing company of a trade journal *Allgemeiner Tariffanzeiger* on Biberstrasse in Vienna. The Claimant indicated that after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”) his father, who was Jewish, fled with his family to Liechtenstein, and then in early 1939 fled to Zurich, Switzerland. The Claimant further stated that in late 1939 his family left Switzerland for London, the United Kingdom, and that in 1940 they emigrated to New York, the United States. The Claimant stated that his father died on 11 May 1975 in New Jersey, the United States, and that, as his parents’ only child, he is his father’s only surviving heir. The Claimant submitted his own birth certificate, indicating he was born in Vienna to Dr. Richard Bass and [REDACTED], née [REDACTED].

The Claimant indicated that he was born on 4 November 1927 in Vienna.

¹ 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”), Richard Bass is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, custody account registry cards, and printouts from the Bank's database. According to these records, the Account Owner was Dr. Richard Bass, who resided at Biberstrasse 4, Vienna 1, Austria. The Bank's records indicate that the Account Owner held a demand deposit account and a custody account, numbered L52747.

According to the Bank's records, the demand deposit account was closed on 31 March 1939. The amount in the account on the date of its closure is unknown.

As for the custody account, the Bank's records indicate that the Account Owner held 2½% *British Consols* bonds, the depository of which was the *Westminster Bank Limited*, London, United Kingdom, with a nominal value of 500.00 British Pounds ("£"). The bonds were deposited on 10 August 1934. The Bank's records indicate that the bonds were withdrawn on 6 October 1938, and that the custody account was closed on 10 October 1938.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts 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 Dr. Richard Bass, numbered 08745, and dated 14 July 1938. These records indicate that Richard Bass, who was born on 27 October 1892, and was married to [REDACTED], née [REDACTED], resided at Biberstrasse 4, Vienna I, Austria. These records further indicate Dr. Richard Bass reported owning 2½% *British Consols* bonds with a nominal value of £500.00 and a market value of approximately 4,625.00 Reichsmarks ("RM") at the Bank. In a letter, dated the 17 December 1938, the Reich's Central Bank Head Office in Vienna (*Reichsbankhauptstelle Wien*) (the "Central Bank Office") reported to the Property Control Office (*Vermögensverkehrsstelle*) that Richard Bass had been ordered in a letter of 3 October 1938 to sell the *British Consols* to a domestic foreign currency bank, and, given that he had not complied, and that the authorities, including the Property Control Office, had been unable to trace him, release of his furniture, which had been packed for shipment abroad, would be contingent upon surrender of his securities. Following additional correspondence indicating a continued inability to ascertain Richard Bass's whereabouts, other than noting that he was out of the country, the Property Control Office, in a letter, dated 17 April 1940, informed the Central Bank Office of the sale of Dr. Richard Bass's shipment of furniture, and of the transfer of the proceeds, after costs, to the tax authorities.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father'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 title, street address, and spouse's name, which match unpublished information about the Account Owner contained in the Bank's records and information contained in the 1938 Census file in the Austrian State Archive.

In support of his claim, the Claimant submitted his own birth certificate, indicating that he was born in Vienna and that his father was Dr. Richard Bass, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different city of residence than the city of residence of 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*.

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. The Claimant submitted his own birth certificate, indicating he was born in Vienna to Dr. Richard Bass. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the custody account was closed on 10 October 1938, and that the demand deposit account was closed on 31 March 1939, at which time, according to information provided by the Claimant and information from the Account Owner's 1938 Census records, the Account Owner was outside Nazi-dominated territory. The CRT also notes that the Account Owner's 1938 Census records include correspondence that indicates that the Nazi authorities were apparently unable to contact the Account Owner or locate the Account Owner's custody account for confiscation. However, given that the Account Owner resided in Nazi-controlled Austria until he fled in 1938; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his 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 (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 accounts.

Amount of the Award

In this case, the Account Owner held a demand deposit account and a custody account. The Austrian State Archive records indicate that the market value of the bonds held in the custody account as of 14 July 1938 was approximately RM 4,625.00, which at the time was equivalent to 8,116.88 Swiss Francs (“SF”).² The bonds had a nominal value of £500.00, which at the time was equivalent to SF 10,685.00. According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the nominal value of bonds shall be awarded if the market value was below the nominal value on the date the account owner is deemed to have lost control over the account. It is presumed that the account owner, if able to decide freely, could have opted to hold the bond to maturity to avoid a capital loss. In this case, the Account Owner’s bonds had a nominal value of SF 10,685.00 and a market value of SF 8,116.88 in 1938, and so the nominal value of SF 10,685.00, which is higher than the market value, is applicable. However, according to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. 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, for an award amount of SF 162,500.00.

With respect to the demand deposit account, 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was SF 2,140.00. 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 an award amount of SF 26,750.00.

Consequently, the total award amount in this case is SF 189,250.00.

² The CRT uses official exchange rates when making currency conversions.

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