

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Fritz Blumenfeld

Claim Number: 786347/BW¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Fritz Blumenfeld (the “Account Owner”) at the Basel branch of 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 an Initial Questionnaire identifying the Account Owner as her father, Fritz Werner Blumenfeld, who was married to [REDACTED], née [REDACTED]. In a telephone conversation with the CRT, the Claimant indicated that her father, who was Jewish, was born on 16 August 1884 in Neuruppin, Germany, and resided in the Wilmersdorf neighborhood of Berlin, Germany, with his family at Kaiserplatz 2. The Claimant further indicated that her father, who was a lawyer and notary, maintained an office on the Potsdamer Strasse in Berlin. According to the Claimant, in 1939 her father fled Berlin for France, where he resided until he was subsequently declared an enemy alien and deported first to a concentration camp in France and later to Auschwitz, where he perished at some point in 1942. The Claimant indicated that she was born on 18 February 1922 in Berlin.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0637162, 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 786347.

Information Available in the Bank's Records

The Bank's records consist of a printout from the Bank's database. According to this record, the Account Owner was Fritz Blumenfeld who resided in Berlin-Charlottenburg, Germany. This record indicates that the Account Owner held a custody account, numbered 36990, that was opened on 25 June 1931. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a copy of a signature card, signed by the Account Owner, regarding the opening of the custody account, dated 25 June 1931; and a document indicating that the Account Owner wished the Bank to hold all correspondence concerning his account, which was signed by the Account Owner in Berlin on 23 January 1932.

The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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 has plausibly identified 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. The Claimant indicated that her father resided in Berlin-Wilmersdorf, which is a neighborhood of Berlin directly adjacent to the Account Owner's neighborhood of residence of Berlin-Charlottenburg. Further, the Claimant indicated that her father kept an office on the Potsdammer Strasse, which is also adjacent to the Charlottenburg neighborhood of Berlin. The CRT therefore finds it plausible that the Claimant's father could have used Berlin-Charlottenburg as his address in his dealings with the Bank.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes two pages of testimony submitted by the Claimant in 2000 and 2002, which indicate that Fritz Werner Blumenfeld was born on 16 August 1884 in Neuruppin; that he resided in Berlin; that he was a lawyer and notary who kept an office on the Potsdammer Strasse in Berlin; and that he was deported to Auschwitz from France where he perished at some point in 1942, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that the name Fritz Blumenfeld 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”).

Further, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Fritz Blumenfeld, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Finally, the CRT notes that the other claim to this account 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 fled Berlin in 1939 for France where he was ultimately declared to be an alien enemy, and taken to Auschwitz where he perished at some point in 1942. As noted above, a person named Fritz Blumenfeld 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 the Claimant’s father. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner was forced to flee his home in Berlin in 1939 for France, where he was declared an enemy alien and ultimately deported to Auschwitz, where he perished in 1942; that there is no record of the payment of the Account Owner’s account to him, nor any record of a date of closure of the account; 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 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 custody 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 the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

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 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
18 December 2007