

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Léa Ernest

Claim Number: 209973/MI

Award Amount: 11,572.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Leon (Leo) Ernst (Ernest).¹ This Award is to the unpublished account of Léa Ernest (the “Account Owner”) at the [REDACTED] (the “Bank”).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 her sister, Leah Ernst (Ernest), who was born in 1924 in Sambor, Poland (now the Ukraine). According to information provided by the Claimant, she, her sister, and their brother [REDACTED] were the children of [REDACTED] and [REDACTED]. The Claimant indicated that her parents and her siblings, who were Jewish, were deported to a concentration camp, where they all perished in 1941.

The Claimant indicated that she was born on 9 August 1927 in Sambor.

Information Available in the Bank’s Record

The auditor’s report consists of an excerpt from a list of account owners that was prepared by 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 Léa Ernest.

¹ The CRT did not locate an account belonging to Leon Ernst in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

This record does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held a savings/passbook account, numbered 640. The auditors indicated that the amount in the account as of 1999 was 0.83 Swiss Francs ("SF"). The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's sister's name matches the unpublished name of the Account Owner.² The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than her name. The CRT notes that the Claimant's sister would have been a child at the time the account was opened, but considers it plausible that the account was opened in her name by her parents. The CRT further 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 she was deported to a concentration camp, where she perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's sister. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains open and dormant.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her sister, 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.

² The CRT notes that the name "Leah" is a variation of the name "Léa".

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that the value of the savings/passbook account as of 1999 was SF 0.83. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 925.83. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,572.88.

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
23 April 2007