

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Adolphe Fuchs

Claim Numbers: 728999/RS; 729001/RS;¹ 729015/RS; 729016/RS²

Award Amount: 11,592.13 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), and the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the unpublished account of Adolphe Fuchs (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 Claimants

The Claimants, who are sisters, submitted substantially similar Initial Questionnaires identifying the Account Owner as their father, Adolf Fuchs, who was born on 23 September 1881, and was married to [REDACTED]. The Claimants indicated that their father, who was Jewish, resided

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted two Initial Questionnaires (“IQ”), numbered HUN 0022-161 and HUN 0022-149, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 728999 and 729001, respectively.

² [REDACTED 2] (“Claimant [REDACTED 2]”) also did not submit a Claim Form to the CRT. However, in 1999, she submitted two IQs, numbered HUN 0023-027 and HUN 0023-028, to the Court in the United States. These IQs were forwarded to the CRT and have been assigned claim numbers 729015 and 729016, respectively.

³ 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”), the name Adolf Fuchs also appears. Upon careful review, the CRT has determined that Adolf Fuchs is not the same person addressed in the current decision and, consequently, the Claimants did not identify this other account owner as their relative.

during the 1930s and 1940s at a number of different addresses in Budapest, Hungary. According to the Claimants, their father was confined to the Budapest Ghetto in 1944, before being deported with his wife that same year. The Claimants indicated that their parents both perished in 1944, following their deportation from Budapest.

Claimant [REDACTED 1] indicated that she was born on 4 January 1929, and Claimant [REDACTED 2] indicated that she was born on 6 September 1937.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database of open accounts. According to this record, the Account Owner was Adolphe Fuchs. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held a savings/passbook account, which held a balance of 2.37 Swiss Francs ("SF") as of 1 January 1999. The account remains open and dormant today.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' father's name matches the unpublished name of the Account Owner. The CRT notes that while the Claimants' father's first name is spelled slightly differently than the first name of the Account Owner, the name of the Account Owner is contained only in a printout from the Bank's database and not in any original bank documents, leading to the possibility that the name could have been misspelled in the printout. The Bank's record contains no signature of the Account Owner, or other confirmation by the Account Owner of the spelling of his name. Additionally, the CRT notes that the names Adolphe and Adolf are variations of the same name. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

The CRT notes that this account was not published. Nonetheless, the Claimants filed Initial Questionnaires with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Adolf Fuchs. This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on a list of accounts bears the same name as their relative, but rather on a direct family relationship that was known to them. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was confined to the Budapest Ghetto in 1944. The Claimants also indicated that the Account Owner, together with his wife, was deported from Budapest in 1944, and that he and his wife both perished following their deportation.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimants' father. The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's record; that the Claimants filed Initial Questionnaires with the Court in 1999, identifying the relationship between the Account Owner and the Claimants, prior to the publication in February 2001 of the 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"). 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Initial Questionnaires. 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 remains open and dormant today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, and that relationship justifies an Award. Third, the CRT has determined 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 savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 1 January 1999 was SF 2.37. 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 927.37. 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 11,592.13.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] is entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
17 March 2008