

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Julianna Lerner
represented by Regina Turner

in re Account of Arthur Glass

Claim Number: 501721/HU

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Julianna Lerner, née Glass, (the “Claimant”) to the published account of Arthur Glass (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Arthur Glass, who was born on 30 April 1885 in Vienna, Austria, and was married to Josephine (Josefine) Glass, née Fischl, who was born on 17 March 1897. The Claimant indicated that her parents, who were Jewish, were married on 4 January 1920 in Prague, Czechoslovakia (now the Czech Republic), and that they resided at Schlickgasse 6 in Vienna. According to the Claimant, her father was a businessman who owned *Karl Glass Eier, Butter, Käse*, (“Karl Glass Eggs, Butter, Cheese”) located at Berggasse 36 in Vienna. The Claimant indicated that her parents had two children: Charles Glass and the Claimant, who were both born in Vienna. The Claimant further indicated that her father was arrested and imprisoned by the Nazis on 9 November 1938 during the *Kristallnacht* (“Night of Broken Glass”) pogrom, and that his business and personal property were confiscated. The Claimant indicated that her father was later released and, on 19 April 1939, he fled to England and subsequently emigrated to New York, the United States of America, on 11 February 1940. The Claimant further indicated that her father died in New York in approximately 1957, and that her mother and brother are no longer alive. Finally, the Claimant indicated that she is her father’s only living heir.

In support of her claim, the Claimant submitted a copy of her birth certificate, issued by the Jewish Community of Vienna, indicating that Julianne Kitty Glass was born on 22 July 1927 in Vienna, and that her parents were Arthur Glass and Josefine Glass, née Fischl.

The Claimant indicated that she was born on 22 July 1927 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a registry card. According to these records, the Account Owner was Arthur Glass, who resided at Schlickgasse 6 in Vienna, Austria. The Bank's records indicate that the Account Owner held a custody account, numbered 53800, and a demand deposit account, which was opened by August 1934. According to these records, the Account Owner instructed the Bank to hold correspondence, as well as deposit slips and coupons for securities.

The Bank's records indicate that the demand deposit account was closed on 31 March 1938. The Bank's records indicate that the custody account was closed, but the date of closure is illegible. The Bank's records do not indicate the value of these accounts. 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 Arthur Glass, numbered 38807. These records include Arthur Glass' asset declaration, signed by him on 15 July 1938 in Vienna, revisions to the declaration, submitted by Arthur Glass, and internal memoranda. These records indicate that Arthur Glass was born on 30 April 1885, that he resided at Schlickgasse 6 in Vienna, and that he was married to Josefina Glass, née Fischl, who was born 17 March 1897. These documents further indicate that Arthur Glass was a businessman who owned 50 percent of a business called *Karl Glass Lebensmittelhandlung* ("Karl Glass Groceries"), located at Berggasse 26 in Vienna. According to these records, Arthur Glass and his wife were assessed flight tax (*Reichsfluchtsteuer*) of 25,500.00 Reichsmark ("RM") on total estimated assets of RM 102,000.00 on 24 November 1938. These records further indicate that on 6 May 1939, due to a decrease in the valuation of his assets, the flight tax was reassessed at RM 23,600.00 on total estimated assets of RM 94,400.00. According to a document contained in these records and dated 23 January 1939, securities deposited in a custody account at the *Länderbank Zentrale* that belonged to Arthur Glass were seized (*beschlagahmt*) by the Nazi authorities to ensure the payment of the flight tax. These records make no mention of assets held in a Swiss bank account.

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 also identified the Account Owner's city of residence and street address, which match unpublished information about the Account Owner contained in the Bank's records. Furthermore, the Claimant identified her father's date of birth, the name and date of birth of his spouse, his profession, and the name and address of a business that he owned, which are consistent with information in the 1938 Census registration of Arthur Glass.¹

In support of her claim, the Claimant submitted her own birth 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 records as the name and city of residence of the Account Owner.

The CRT notes that the name Arthur Glass appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Person to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country 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, that he resided in Nazi-controlled Austria, that he was arrested and imprisoned in November 1938, that his business and personal assets were confiscated by the Nazis, and that he fled Austria to England in April 1939. The Claimant also submitted her birth certificate, indicating that the Account Owner was Jewish. Finally, the CRT notes that the Account Owner was required to submit a 1938 Census the 1938 Census records indicate that the Account Owner and his wife were targeted as Jewish by the Nazi regime, that they were assessed a flight tax of RM 23,600.00, and that their assets were seized by the Nazi authorities.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's own birth certificate, indicating that her father was Arthur Glass. There is no information to indicate that the Account Owner has other surviving heirs.

¹ The CRT notes that the Claimant stated that her father's business was located at Berggasse 36, while Arthur Glass' 1938 Census declaration indicates that it was located at Berggasse 26. The CRT concludes that this minor discrepancy does not materially alter the Claimant's identification of the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that the demand deposit account was closed on 31 March 1938 and that the custody account was closed on an illegible date. Given that the Account Owner resided in Nazi-controlled Austria; that the demand deposit account was closed shortly after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"); 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 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 accounts' 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 demand deposit account and 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 investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00, for a total average value of SF 15,140.00. 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 a total award amount of SF 189,250.00.

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
27 February 2007