

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Hirsch
also acting on behalf of Ronald Hirsch

in re Accounts of Marguerite Hirsch

Claim Number: 218306/GO

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Peter Hirsch (the “Claimant”) to the accounts of Ludwig Hirsch.¹ This Award is to the published accounts of Marguerite Hirsch (the “Account Owner”) at 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 his paternal grandmother, Margarete Hirsch, née Glass, who was born on 2 October 1873, and was married to Ludwig Hirsch on approximately 15 August 1899 in Breslau, Germany (today Wrocław, Poland). The Claimant indicated that his grandfather was an engineer and that his grandparents, who were Jewish, had two children: Herbert, who was born on 27 February 1902, and Max (the Claimant’s father), who was born on 14 September 1905. According to the Claimant, his grandparents resided at Sybelstrasse 35 in Charlottenburg 4 in Berlin, Germany, as of 1928. The Claimant indicated that his grandmother died in Berlin on 15 November 1928, and that in 1943, after receiving notice that he was to be deported to a concentration camp, his grandfather committed suicide. The Claimant also indicated that his father and uncle have both since died, and that he and his brother, whom he represents, are his grandparents’ only surviving heirs.

The Claimant submitted a copy of his father’s birth certificate, indicating that Max Hirsch’s parents were Ludwig Hirsch and Margarete Hirsch, née Glass; a copy of his father’s German passport, issued in Berlin on 29 August 1938, indicating that he was Jewish and that he resided in Berlin; and a copy of a police registration form, indicating that as of 15 March 1931, Max

¹ In two separate decisions, the CRT awarded the accounts of Ludwig Hirsch to the Claimant. See *In re Accounts of Ludwig Hirsch* (approved on 20 November 2002) and *In re Account of Ludwig Hirsch* (approved on 3 June 2003).

Hirsch resided in Charlottenburg, and that he was Jewish; and a copy of his own passport, indicating that his name is Peter Hirsch and that he was born in Germany.

The Claimant indicated that he was born on 27 June 1935 in Berlin. The Claimant is representing his brother, Ronald Hirsch, who was born on 11 January 1944 in Norristown, Pennsylvania, United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Marguerite Hirsch, who resided in Charlottenburg, Germany. The Bank's record indicates that the Account Owner held one demand deposit account, which was opened on 28 January 1927 and closed on 30 June 1933, and one custody account, numbered L28970, which was opened on 15 March 1927 and closed on 30 June 1933.

The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner.² The Claimant identified the Account Owner's city of residence, as well as the area of the city, which matches unpublished information about the Account Owner contained in the Bank's record.³ In support of his claim, the Claimant submitted documents, including his father's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the name Marguerite Hirsch 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 (the "ICEP List"). The CRT further notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

² The CRT notes that Margarete and Marguerite are variations of the same name, and determines that the spelling discrepancy does not materially affect the Claimant's identification of the Account Owner.

³ The CRT notes that Charlottenburg, which is identified in the Bank's record as the Account Owner's place of residence, is a district of Berlin, where the Claimant's grandmother resided.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's spouse and direct heir was a Victim of Nazi Persecution. The Claimant stated that the Account Owner's spouse was Jewish, that he lived in Germany during the Second World War, and that he took his own life in order to avoid deportation to a concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's grandmother.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of his father's birth certificate, a copy of his father's German passport, a copy of a police registration form, and a copy of his own passport, providing independent verification that the Claimant and his relatives bear the same family name as the Account Owner and that he and his family resided in Germany. 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 he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner died in 1928 and that the accounts were closed in 1933; that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner's spouse remained in Germany after her death in 1928 and that the account was closed in 1933; that there is no record of the payment of the Account Owner's accounts to her heirs; that the Account Owner's heirs would not have been able to obtain information about her 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; 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 Appendices A and C),⁴ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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.

⁴ Appendix C appears on the CRT II website -- <www.crt-ii.org>.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented party Ronald Hirsch. 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 paternal grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner's spouse nor his or her heirs received the proceeds of the claimed accounts.

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 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. Thus, the total 1945 average value of the accounts at issue is 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.

Division of the Award

According to Article 23(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. In this case, the Claimant is representing his brother, Ronald Hirsch. Accordingly, the Claimant and his brother, Ronald Hirsch, are each entitled to one-half of the total award amount.

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
28 June 2006