

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Michael Levy Lowenthal

in re Accounts of Alfred Levy and Justin Lamm

Claim Number: 500136/TW

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based on the claim of Michael Levy Lowenthal (the “Claimant”) to the published account of Alfred Levy. This Award is to the published account of Alfred Levy (“Account Owner Levy”) and Justin Lamm (“Account Owner Lamm”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).¹

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 father, Alfred Levy, who was born on 18 May 1936 in Stuttgart, Germany, and was married to Herta Levy, née Gotthilf, in 1935 in Stuttgart, with whom he had one child, Michael Lowenthal (formerly Levy). The Claimant stated that his father, who was Jewish, was a copper manufacturer who conducted his business with the assistance of partners. The Claimant further stated that his father fled Germany with his family in 1937 for Edam, Holland where he established *NOORD Hollandsche Koperwarenfabriek*, a scrap iron business. The Claimant stated that his father lived in Edam until 1941. The Claimant further stated that in 1942 his father and mother were deported to Bergen-Belsen, where they perished in 1944. The Claimant also stated that his maternal grandparents lived in Zurich, Switzerland. In telephone conversations with the CRT dated 3 October 2002 and 14 October 2002, the Claimant added that his father was a businessman who had businesses throughout Germany and indicated that he was not sure where his father lived before he was born. The Claimant also stated that his father worked with several partners. The Claimant stated that he changed his name from Heinz Michael Levy to Michael Levy Lowenthal. The Claimant indicated that he was born on 26 October 1936 in Stuttgart.

¹ The CRT notes that the name Justin Lamm was not published on the February 2001 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”).

Information Available in the Bank's Records

The Bank's records consist of two account opening cards. According to these records, the Account Owners were Alfred Levy and Justin Lamm, who used an address in Nürnberg, Germany. The records indicate that the Account Owners held a safe deposit box numbered 249.

According to the Bank's record, the safe deposit box was opened on 11 July 1931 and closed on 24 June 1933.

The Bank's records do not show to whom this account was paid, nor do these records indicate the value of this account. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant's father's name and country of residence match the published name and country of residence of Account Owner Levy. The CRT notes that the Claimant failed to identify Justin Lamm, however, since the Claimant indicated that his father had several partners and agents, since the Claimant was born after one account was closed and was a young child during the Second World War, and since his parents were killed in the Holocaust, the CRT concludes that it is plausible that the Claimant was therefore unable to obtain information about his father's business partners or details regarding his Swiss accounts. The CRT also notes that the Claimant indicated that his father resided in Stuttgart, whereas the Account Owner resided in Nürnberg. However, as the Claimant indicated that his father conducted his businesses throughout Germany, and had various business partners, the CRT concludes that he may plausibly have used additional addresses or that the Stuttgart residence was the address of Account Owner Lamm and not that of Account Owner Levy. Moreover, the CRT notes that the cities are just over 200 kilometers apart.

Furthermore, the CRT notes that the other claim to this account was disconfirmed because that claimant provided a spelling of his relative's last name which differs from that of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified Account Owner Levy.

Status of Account Owner Levy as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Levy was a Victim of Nazi Persecution. The Claimant stated that Account Owner Levy was Jewish and that he perished in Bergen-Belsen in 1944.

The Claimant's Relationship to Account Owner Levy

The Claimant has plausibly demonstrated that he is related to Account Owner Levy by submitting specific information, demonstrating that Account Owner Levy was his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit box was closed on 24 June 1933.

Given 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 Account Owner Levy remained in Germany until 1937, and would not have been able to repatriate the accounts to Germany without their confiscation; 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) and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Account Owner Levy was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The Account Owners held one safe deposit box. 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 present value of the account being awarded. Based on the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF"). The present 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 15,500.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out

² Appendix C appears on the CRT II website – www.crt.ii.org.

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
10 December 2004