

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of [REDACTED]¹
represented by [REDACTED]

in re Account of Ernestine Loebel

Claim Number: 500476/JW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Ernestine Loebel (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 his maternal grandmother, Ernestine Loebel (Lobel), née Segal, who was born on 6 March 1874 in Botosani, Romania, and was married to [REDACTED] on 30 March 1892 in Jassy, Romania. The Claimant stated that [REDACTED] and Ernestine Loebel, who were Jewish, had two children, [REDACTED] and [REDACTED], née [REDACTED], the Claimant’s mother, who was born on 10 February 1900 in Jassy. The Claimant further stated that, starting in 1916, Ernestine Loebel and her family resided at Strohgasse 22 in Vienna III, Austria. The Claimant further stated that his grandparents and their family fled Vienna for France in March 1938, immediately before the incorporation of Austria into the Reich (the “*Anschluss*”), to escape Nazi persecution. The Claimant indicated that his grandparents arrived in Evian, France on 10 March 1938, moved to Paris, France, in June 1939, then to Vichy, France, in September 1939, and later settled in Pau, France, in June 1940. The Claimant indicated that his family resided in Pau until 1943, when the

¹ Claimant [REDACTED]’s wife, [REDACTED], who represents him in this claim, informed the CRT on 10 August 2002 that Claimant [REDACTED] died on 18 June 2002.

² 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”), [REDACTED] is identified as holding power of attorney over Ernestine Loebel’s account. Upon careful review, the CRT has concluded that the Bank’s records indicate that this individual’s name was [REDACTED], and that she was identified as the person to whom correspondence was to be sent only.

police forcibly transported the family to Naillat, France, where they remained under police supervision until the end of the Second World War. The Claimant also stated that he attended the Chalet Flora School in Gstaad, Switzerland, from October 1936 to June 1939, and again from April 1943 to September 1944. The Claimant further noted that Ernestine Loebel died on 14 October 1946 in Meudon, France, and that her husband died on 18 April 1954 in Paris. The Claimant indicated that [REDACTED] died on 11 February 1990 in Paris, and that her sister, [REDACTED], died in 1977 in Nice, France.

The Claimant submitted copies of the following documents: (1) the marriage certificate of his parents, [REDACTED] and [REDACTED], dated 9 August 1927, indicating that [REDACTED] resided in Vienna, that her parents were [REDACTED] and Ernestine Loebel, and that [REDACTED] was a witness to the marriage; (2) a land grant from the city of Meudon to [REDACTED] for the cemetery plot of Ernestine Lobel; (3) the Certificate of Liberation for [REDACTED], née [REDACTED], identifying the Claimant as her son; and (4) an affidavit filed with the Estate Duty Office of Somerset, England, providing information regarding the date of death and personal history of Ernestine Loebel.

The Claimant indicated that he was born on 4 October 1928 in Berlin, Germany.

Information Available in the Bank's Records

The Bank's record submitted 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") consists of a printout from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a customer card, a declaration of consent, lists of closed accounts, and a document evidencing a loan arrangement.

The Bank's records indicate that the Account Owner was Ernestine Loebel, née Segal, and that her husband was [REDACTED]. The Bank's records further indicate that [REDACTED] signed a declaration of consent regarding the Account Owner's account ownership at the Bank on 27 May 1932. Moreover, the Bank's records indicate that the Account Owner provided as her residence the address of [REDACTED], who initially resided at Rathausstrasse 4 in Vienna, Austria, and later at Florianigasse 16, also in Vienna. In addition, the Bank's records indicate that correspondence regarding the account was initially sent to *Frau* (Mrs.) [REDACTED], who resided at Bundesallee 7, in Berlin, Germany; that it was subsequently sent care of [REDACTED], at the *Hotel des Palmiers*, in Nice, France; and that, as of 24 May 1938, it was sent, still care of [REDACTED], to 11, rue Beau Séjour (Clarence), in Lausanne, Switzerland.

The Bank's records indicate that the Account Owner held a custody account, numbered 35212. The Bank's records further indicate that the account was opened in 1932, and closed on 26 May 1938. According to the Bank's records, the contents of the account were sent to the Bank's Lausanne branch ("*an Sitz Lausanne gesandt*") on 3 June 1938. The Bank's records do not

contain any information regarding the subsequent disposition or the value of the contents of this account. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The Bank's records also indicate that on 1 July 1937, the Bank granted a loan to the Account Owner, who resided at Boulevard Diderot 13 in Paris, France, and that this was granted in connection with her grandson's stay at Chalet Flora, a children's home in Gstaad, Switzerland. The Account Owner's grandson is identified as [REDACTED], born in October 1928. Finally, the Bank's records indicate that this loan was cancelled on 29 October 1946.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal grandmother's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant identified the Account Owner's maiden name and the name of her husband, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including a copy of his parents' marriage certificate, indicating that [REDACTED] was the daughter of [REDACTED] and Ernestine Loebel, and that the family lived in Vienna in 1927, providing independent verification that the person who is claimed to be Account Owner had the same name and resided in the same city listed in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that this document also identifies [REDACTED] as a witness to the Claimant's parents' marriage, providing independent verification of a relationship to the individual identified as a contact person in the Bank's records. The CRT further notes that the name Ernestine Loebel appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). Finally, the CRT notes that there are no other claims to this account.

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 she fled Austria immediately before the *Anschluss* to escape Nazi persecution, and that she subsequently resided in France, where she was forcibly relocated and supervised by local authorities.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his maternal grandmother. These documents include a copy of the Certificate of Liberation of [REDACTED], née [REDACTED], identifying the Claimant as her son, and a copy of his

parents' marriage certificate, identifying Ernestine Loebel as the mother of [REDACTED]. The CRT also notes that the Bank's records identify the Claimant as the Account Owner's grandson. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Bank's records indicate that the contents of the account were sent to the Bank's Lausanne branch on 3 June 1938, and that no information is available regarding the subsequent disposition of the account's proceeds; that the Account Owner fled Austria immediately before the *Anschluss* and entered France, where she and her family members were subjected to forced transportation and police surveillance; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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 (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 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.

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 his maternal grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

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 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
31 December 2005