

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Elinor Hedwig Knepler
also acting on behalf of Myrna Mae Knepler, Anne Judith Knepler,
Elizabeth Pauline Knepler, and Stuart Moser

in re Account of Albert E. Moser

Claim Number: 300415/BI/AC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Elinor Hedwig Knepler (the “Claimant”) to the account of Hedwig Knepler, née Moser.² This award is to the published account of Albert E. Moser (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 paternal relative, Albert Moser, who was born in 1891 or 1892 in Vienna, Austria, and was married to Minnie Moser. According to the Claimant and represented party Stuart Moser, Albert Moser, who was Jewish, was related to Alice Moser, née Moser (represented party Stuart Moser’s paternal grandmother), and Hedwig Kepler, née Moser (the Claimant’s paternal grandmother). Represented party Stuart Moser indicated that his grandmother, Alice Moser, perished in Poland in 1942. The Claimant indicated that her grandmother, Hedwig Kepler, was forced to live in hiding in Austria throughout the Second World War, her grandfather perished in Auschwitz, and her father escaped to England on a *Kindertransport* (children’s transport). According to information provided by the Claimant, her relative Albert Moser emigrated to the United States before 1940 and passed away in 1974 in New York. The Claimant, who was born after the Second World War, was not able to identify the exact relationship to Albert Moser, but she indicated that her family corresponded with Albert Moser while he was living in New York.

¹ Claimant Elinor Hedwig Knepler (the “Claimant”) submitted an additional claim, which is registered under the Claim Number 300414. The CRT will treat this claim in a separate determination.

² In a separate decision, the CRT awarded the accounts of Hedwig Knepler to the Claimant. See *In re Account of Hedwig Knepler* (approved on 31 December 2003).

The Claimant submitted copies of: (1) her grandmother's birth certificate, issued by the Jewish Community of Vienna, indicating that Hedwig Moser was born on 14 April 1888 in Vienna, and that her parents were Adolf Moser and Rosalie Moser, née Goldschmidt; (2) her grandparents' marriage certificate, indicating that Hugo Knepler and Hedwig Moser were married on 1 September 1909 in Vienna; (3) her father's birth certificate, issued by the Jewish Community of Vienna, indicating that Heinrich Wilhelm Knepler was born on 8 May 1922 in Vienna, and that his parents were Hugo Knepler and Hedwig Knepler, née Moser; (4) her own birth certificate, indicating that Elinor Hedwig Knepler was born on 4 May 1964 and that her parents were Henry Knepler and Myrna Cohn; (5) her sisters' birth certificates, indicating that Elizabeth Pauline Knepler and Anne Judith Knepler are the children of Henry Knepler and Myrna Cohn; and (6) her father's death certificate, indicating that Henry Knepler was the son of Hugo Knepler and Hedwig Moser.

In a further correspondence with the CRT, the Claimant submitted copies of letters and postcards, dated between September 1940 and April 1941 in Vienna, from Hedwig Knepler to Albert Moser, and indicating that Albert Moser resided in the United States at that time. Represented party Stuart Moser also submitted a copy of a letter from the Claimant's father, dated 18 May 1987, and addressed to "Judy and Stuart" from "Henry," indicating that members of the Moser family perished in the Second World War.

The Claimant indicated that she was born on 4 May 1964 in Chicago. The Claimant is representing her mother, Myrna Mae Knepler, née Cohn, who was born on 11 September 1934 in Chicago, her sisters, Elizabeth Pauline Knepler, who was born on 3 May 1962 in Chicago, and Anne Judith Knepler, who was born on 7 November 1965 in Chicago, and her relative, Stuart Moser, who is the grandson of her great-aunt, Alice Moser.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts that were transferred to the Bank's profit and loss account and printouts from the Bank's database. According to these records, the Account Owner was Albert E. Moser. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 3040. The Bank's records indicate that the account was closed to the Bank's profit and loss account on 30 June 1937, as of which date it had a negative balance of 38.50 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal relative's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted documents, including copies of letters and postcards, dated between September 1940 and April

1941 in Vienna, from the Claimant's grandmother, Hedwig Knepler, to Albert Moser, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Albert E. Moser 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 ("ICEP" or the "ICEP List"). The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

The CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's relatives were Victims of Nazi Persecution. The Claimant stated that the Account Owner's family members resided in Nazi-controlled Austria, and that several of them perished in the Holocaust.

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 paternal relative. These documents include: (1) her grandmother's birth certificate, indicating that Hedwig Moser was born on 14 April 1888 in Vienna; (2) her grandparents' marriage certificate, indicating that Hugo Knepler and Hedwig Moser were married on 1 September 1909 in Vienna; (3) her father's birth certificate, indicating that Heinrich Wilhelm Knepler was born on 8 May 1922 in Vienna, and that his mother was Hedwig Knepler, née Moser; (4) her own birth certificate, indicating that Elinor Hedwig Knepler's father was Henry William Knepler; (5) letters and postcards, dated between September 1940 and April 1941 in Vienna, from Hedwig Knepler to Albert Moser, and indicating that Albert Moser was Hedwig Knepler's relative.

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

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to the Bank's profit and loss account in 1937.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented parties Anne Judith Knepler, Elizabeth Pauline Knepler, and Stuart Moser. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her paternal relative, 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.

Further, the CRT notes that the Claimant and represented parties Anne Judith Knepler, Elizabeth Pauline Knepler, and Stuart Moser, as the Account Owner's blood relatives, have a better entitlement to the account than represented party Myrna Mae Knepler, who is only related to the Account Owner by marriage.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that as of 30 June 1937, the account had a negative balance of SF 38.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award under Article 23(1)(a)-(f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, the Claimant is representing her sisters, Anne Judith Knepler and Elizabeth Pauline Knepler, and her relative, Stuart Moser, who are related to the Account Owner through their grandmothers. Accordingly, the Claimant and her two sisters, represented parties Anne Judith Knepler and Elizabeth Pauline Knepler, are each entitled to one-sixth of the total award amount, and represented party Stuart Moser is entitled to one-half of the total award amount. As noted above, the Claimant's mother, represented party Myrna Mae Knepler, is not entitled to share in the award.

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
12 October 2007