

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award Amendment**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]<sup>1</sup>

## **in re Account of Dr. Alfred Neuvirth**

Claim Numbers: 213909/KG; 727716/KG; 727796/KG; 202614/KG

Original Award Amount: 351,288.00 Swiss Francs

Award Amendment Amount: 182,962.50 Swiss Francs

This Certified Award Amendment is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Dr. Alfred Neuvirth (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Procedural History**

On 30 August 2002 the Court approved an Award to Claimant [REDACTED 1] for the Account Owner’s account (the “August 2002 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 2]. Review of Claimant [REDACTED 2]’s claim subsequent to the August 2002 Award indicates that he is entitled to share in the original award amount, as detailed below.

## **The August 2002 Award**

In the August 2002 Award, the CRT determined that the Account Owner owned one custody account. The CRT further determined that Claimant [REDACTED 1] plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner and that he made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that neither the Account Owner nor his

---

<sup>1</sup> On 30 August 2002, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for the account of Dr. Alfred Neuvirth (the “August 2002 Award”), which is the subject of this Award Amendment.

heirs received the proceeds of his custody account. The CRT determined that the value of the account was 29,274.00 Swiss Francs (“SF”), and that the August 2002 Award amount was SF 351,288.00. Finally, the CRT determined that Claimant [REDACTED 1] was entitled to the entire award amount.

### **Information Provided by Claimant [REDACTED 2]**

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his father, Alfred Neuvirth, who was born on 1 July 1889 in Beregszaszi, Hungary (now the Ukraine) and who married [REDACTED] on 25 January 1927. Claimant [REDACTED 2] stated that his mother, [REDACTED], was Jewish and that his father and the rest of the family suffered persecution as a result of this. According to Claimant [REDACTED 2] his father, who lived in Budapest, Hungary, throughout his life, held a Doctorate of Law and at one point worked as Under Secretary of the Hungarian State Defence Department. Claimant [REDACTED 2] further indicated that his father later worked as a businessman and that, among other business interests, he owned a saw mill in Beregszaszi. According to Claimant [REDACTED 2], his whole family was arrested by the Hungarian Nazis in 1944 and was imprisoned for a week before being released. Claimant [REDACTED 2] indicated that his father died on 27 April 1952 in Budapest. In support of his claim, Claimant [REDACTED 2] submitted his own birth certificate which indicates that his father’s name was Alfred Arpod Jozsef Neuvirth, an industrialist who lived in Budapest. Claimant [REDACTED 2] indicated that he was born on 9 January 1926 in Budapest.

### **Information Available in the Bank’s Records**

As detailed in the August 2002 Award, the Bank’s records indicate the name and city and country of residence of the Account Owner. The records indicate that the Account Owner held one custody account, which was transferred to a suspense account on approximately 20 April 1965 and was closed on 18 October 1974.

### **The CRT’s Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case the CRT determines it appropriate to join the four claims of the Claimants in one proceeding.

#### Claimant [REDACTED 2]’s Identification of the Account Owner

Claimant [REDACTED 2]’s father’s name and country of residence match the published name and country of residence of the Account Owner. Claimant [REDACTED 2] also identified the Account Owner’s doctor title and city of residence, which matches unpublished information

about the Account Owner contained in the Bank's records. In support of his Claim, Claimant [REDACTED 2] submitted his birth certificate, which indicates that his father's name was Alfred Neuvirth, and resided in Budapest. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alfred Neuvirth, and indicates that he resided in Budapest, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 2] filed two IQs with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Alfred Neuvirth prior to the publication in February 2001 of the 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"). This indicates that Claimant [REDACTED 2] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no ways contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was married to a Jewish woman and that he was imprisoned in 1944 by the Hungarian Nazis. As noted above, a person named Alfred Neuvirth was included in the CRT's database of victims.

#### Claimant [REDACTED 2]'s Relationship to the Account Owner

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his father. These documents include Claimant [REDACTED 2]'s birth certificate, indicating that his father's name was Alfred Neuvirth.

#### The Issue of Who Received the Proceeds

As detailed in the August 2002 Award, the CRT has concluded that it is plausible that the account's proceeds were not paid to the Account Owner or his heirs.

#### Basis for Amending the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2]. First, Claimant [REDACTED 2]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner's son, 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.

#### Amount of the August 2002 Award

As detailed in the August 2002 Award, the Account Owner held one custody account. Based on review of the Bank's records, the CRT determined that the value of the account at issue was SF 29,274.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the August 2002 Award, the adjustment factor was 12, and the resulting award amount was SF 351,288.00.

Since the August 2002 Award, the adjustment factor has been raised to 12.5.

#### New Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to half of the Award amount.

#### Amount and Division of the Award Amendment

The CRT recognizes that Article 31(1) of the Rules adjusts account values based upon the length of time that has passed since 1945 and the awarding of the account. In this case, even though Claimant [REDACTED 1] was awarded in August 2002, Claimant [REDACTED 2], who is the subject of this award amendment, was not. Therefore, the CRT finds that the adjustment factor of 12.5, not 12, is the more appropriate factor to bring the value of his share of the awarded account to current value.

Recognizing that almost four years have passed since the August 2002 Award, and that there is no indication that Claimant [REDACTED 1] was aware that another equally entitled person had

filed a claim, the CRT determines that Claimant [REDACTED 2] is entitled to a payment from the Settlement Fund equaling his share of the award amount. As noted above, the total 1945 value of the Account Owner's account was SF 29,274.00. Claimant [REDACTED 2] is entitled to one-half of this amount, or SF 14,637.00. 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 an Award Amendment amount of SF 182,962.50.

Claimant [REDACTED 2] is entitled to the full amount of the Award Amendment.

### **Scope of the Award Amendment**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Account Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

### **Certification of the Award Amendment**

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
29 March 2006