

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

and [REDACTED 3]

in re Account of Rose Reiner

Claim Numbers: 003179/UM; 204952/UM; 701554/UM; 773387/UM¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) to the account of Rose Reiner, and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the "Claimants") to the accounts of Therese Reiner and Rose Reiner.² This Award is to the published account of Rose Reiner (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards 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.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Rosa Reyner (Reiner), née Hertz, who was born on 16 January 1903 in Hungary, and was married to [REDACTED]. Claimant [REDACTED 1] indicated that her parents, who were

¹ Claimant [REDACTED 3] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered ENG 0001-000184 and ENG 0121-000125, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 701554 and 773387, respectively.

² The CRT will treat the claim of Claimant [REDACTED 2] to the account of [REDACTED] in a separate decision.

Jewish, owned a textile store in Hungary. Claimant [REDACTED 1] further indicated that her mother was deported to either Mauthausen or Gunskirchen sometime after 1944, and that she had to perform forced labor there. Finally, Claimant [REDACTED 1] indicated that her mother died in Israel in April 1979.

Claimant [REDACTED 1] submitted a copy of her provisional identification card, provided to internees of Mauthausen, indicating that she was interned at the concentration camp in May 1944; a document issued by the Headquarters of the Camp for Displaced Persons in Wels, Austria, identifying Claimant [REDACTED 1] as [REDACTED 1] and her mother as Roza (Roze) Hersch; and her Israeli identity card, identifying her mother's first name as "Rosa."³ Claimant [REDACTED 1] indicated that she was born on 9 October 1935 in Berettyóújfalú, Hungary.

Claimant [REDACTED 1] previously submitted two Initial Questionnaires ("IQs") with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by her mother and by her maternal grandfather, Farkasz Hertz.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal grandmother, Szali (Rosalie/Rose) Reiner, née Steiner, who was born in 1879, and was married to [REDACTED]. Claimant [REDACTED 2] indicated that his grandparents, who were Jewish, resided in Pressburg, Czechoslovakia (today Bratislava, Slovakia). Claimant [REDACTED 2] further indicated that his grandparents had six children: [REDACTED], who was born in 1901; [REDACTED], who was born in 1903; [REDACTED], née [REDACTED], who was born in 1905; [REDACTED], who was born in 1907; [REDACTED], née [REDACTED], Claimant [REDACTED 2]'s mother, who was born in 1911; and [REDACTED], who was born in 1914. Claimant [REDACTED 2] explained that his mother was forced to live in hiding near Pressburg during the Second World War, and that two of her siblings, [REDACTED] and [REDACTED], were deported to Auschwitz, where they perished. Claimant [REDACTED 2] did not indicate under what circumstances his grandmother survived the Second World War, but stated that she died in 1962.

Claimant [REDACTED 2] submitted a certified translation of his mother's birth certificate, identifying her as [REDACTED], and her parents as [REDACTED] and [REDACTED], née [REDACTED]; his father's death certificate, identifying his father as [REDACTED], widower of [REDACTED], née [REDACTED]; and his father's certificate of inheritance, identifying Claimant [REDACTED 2] as the son and sole heir of [REDACTED]. Claimant [REDACTED 2] indicated that he was born on 10 November 1944 in Pressburg.

³ The CRT notes that the provisional identity card identifies Claimant [REDACTED 1]'s mother's maiden name as "[REDACTED]," while Claimant [REDACTED 1] indicated that her mother's maiden name was "[REDACTED]." However, the CRT determines that these names are sufficiently similar to render it plausible that the provisional identity card entry is an error, and that the document provides independent verification that Claimant [REDACTED 1]'s mother's first name was [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted two IQs identifying the Account Owner as his mother, Rozália (Roszi) Reiner, née Polacsek, who was born on 22 July 1909, and was married to [REDACTED]. Claimant [REDACTED 3] indicated that his mother, who was Jewish, resided in Aszod, Hungary, before she was interned at the Budapest Ghetto in 1944. Claimant [REDACTED 3] further indicated that his mother was subsequently deported to Auschwitz, where she perished on an unknown date.

Claimant [REDACTED 3] submitted his own birth certificate, identifying his mother as Rozália Reiner, née Polacsek. Claimant [REDACTED 3] indicated that he was born on 1 December 1929 in Siklós, Hungary.

Information Available in the Bank's Records

The Bank's records consist of excerpts from the Bank's ledgers, an account registry card, and account statements. According to these records, the Account Owner was *Frau* ("Mrs.") Rose Reiner. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one demand deposit account. The Bank's records further indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant accounts on or before 18 August 1948. The balance of the account in 1948 was 19.50 Swiss Francs ("SF"). According to the Bank's records, the account was closed by fees and charges on 30 June 1973. The amount in the account on the date of its closure was SF 0.50.

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.

Identification of the Account Owner

Claimant [REDACTED 1]'s, Claimant [REDACTED 2]'s, and Claimant [REDACTED 3]'s relatives' names are substantially similar to 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 her name. In addition, the CRT notes that the Bank's records do include the Account Owner's general title, in that they identify the Account Owner as *Frau* ("Mrs"). Rose Reiner. The CRT further notes that it is customary to refer to both married women and mature women as "*Frau*" in the German language, and that the Claimants' indication that their relatives were married is consistent with the information in the Bank's records.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a document issued by the Headquarters of the Camp for Displaced Persons in Wels, Austria, identifying Claimant [REDACTED 1] as [REDACTED 1] and her mother as Roza (Roze) Hersch, and her Israeli identity card, identifying her mother's first name as "Rosa." Similarly, Claimant [REDACTED 2] submitted documents, including a certified translation of his mother's birth certificate, identifying her parents as [REDACTED] and [REDACTED]. Claimant [REDACTED 3] also submitted documents, including his own birth certificate, identifying his mother as Rozália Reiner, née Polacsek. All these documents provide independent verification that the persons who are claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.⁴

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 3] filed IQs with the Court in 1999 asserting their entitlement to Swiss bank accounts owned by their respective mothers, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 1] and Claimant [REDACTED 3] have based their claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] and Claimant [REDACTED 3] had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1] and Claimant [REDACTED 3]. In addition, the CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Finally, the CRT notes that Claimant [REDACTED 1]'s, Claimant [REDACTED 2]'s, and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she was interned at either Mauthausen or Gunskirchen sometime after 1944.

⁴ The CRT notes that Claimant [REDACTED 1] provided her mother's name only in Hebrew Characters in her Claim Form, and that the documents she submitted alternatively identify her mother's first name as "Roza," "Roze," and "Rosa." The CRT further notes that Claimant [REDACTED 2] indicated that his grandmother used several different versions of her first name, including "Rose," "Rosalie," and "Szali," and that a document he submitted identifies her first name as "Szali." Finally, the CRT notes that Claimant [REDACTED 3] identified his mother's first name as "Rozália," and that this is the Hungarian equivalent of "Rose." The CRT determines that the names identified by all three Claimants as the first name and/or names of their relatives are all sufficiently similar to "Rose" to render it plausible that they refer to the same person.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The CRT notes that Claimant [REDACTED 2] did not specifically indicate the circumstances of the Account Owner herself during the Second World War but stated that both the Account Owner and her children were Jewish, that at least one of the Account Owner's children was forced to live in hiding during the Second World War, and that two of the Account Owner's other children perished at Auschwitz.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that she was interned at the Budapest Ghetto in 1944, and that she was subsequently deported to Auschwitz, where she perished.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother. These documents include a document issued by the Headquarters of the Camp for Displaced Persons in Wels, Austria, identifying her as [REDACTED 1] and her mother as Roza (Roze) Hersch; and her Israeli identity card, identifying her mother's first name as "Rosa."

Claimant [REDACTED 2]

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 Claimant [REDACTED 2]'s maternal grandmother. These documents include a certified translation of his mother's birth certificate, identifying her as [REDACTED], and her parents as [REDACTED] and [REDACTED], née [REDACTED]; his father's death certificate, identifying him as [REDACTED], widower of [REDACTED], née [REDACTED]; and his father's certificate of inheritance, identifying Claimant [REDACTED 2] as the son and sole heir of [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 3]'s mother. These documents include his own birth certificate, identifying his mother as Rozália Reiner, née Polacsek.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account for dormant accounts on or before 18 August 1948, and subsequently closed by fees and charges on 30 June 1973.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his maternal grandmother, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his mother. All these relationships justify 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 one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 1948 was SF 19.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 79.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to SF 2,140.00. 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, to produce a total award amount of SF 26,750.00.

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, all of the Claimants have established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] are each entitled to one-third of the total award amount.

Scope of the Award

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 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 May 2005