

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Bronia Kogan

## **in re Account of Josef Schneider**

Claim Number: 204781/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Bronia Kogan, née Yakir, (the “Claimant”) to the published account of Josef Schneider (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 maternal grandfather, Josef Schneider, who was born in Brichani, Romania, and was married to Hova Schneider in Bucharest, Romania. The Claimant stated that after his marriage, her grandfather resided in Bucharest, and later returned to Brichani, where he resided until 1941. The Claimant identified her grandfather as a wealthy businessman, involved in the petroleum industry, as well as in other businesses. The Claimant also stated that her grandfather’s business was spread across Romania, including Bucharest, and that he traveled to Switzerland. The Claimant stated that her grandfather, who was Jewish, was killed upon his deportation to Bershada, the Ukraine, in 1941, and that his body was thrown into the Dniester river. According to the Claimant, Josef Schneider had two children, Elka Yakir, née Schneider, the Claimant’s mother, who was killed in 1941, in Bershada, and Yechiel Schneider. The Claimant stated that she is not in possession of her birth certificate or any other documentation regarding her family. The Claimant submitted a notarized declaration, dated in 1973, made by Rivka Rosenthal, who was confined to a ghetto together with the Claimant’s family, declaring that the Claimant’s parents, Elka and Meyer Yakir, perished in a concentration camp in Beryozky Vinnista, the Ukraine, that Elka's father was named Josef and that Meyer’s father was named Shimon. The Claimant indicated that she was born on 29 September 1930 or 1933 in Brichani.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Meyer Yaker.

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

The Bank's records consist of a numbered account card and a printout from the Bank's database. According to these records, the Account Owner was Josef Schneider, who resided in Bucharest, Romania. The Bank's records indicate that the Account Owner held a numbered account, numbered 14089. These records, however, do not indicate the type of account that was held by the Account Owner.

The Bank's records indicate that the account was closed no later than November 1949. 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") indicated that there was no evidence of activity on this account after 1945. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified her grandfather's city of residence after his marriage, where he also conducted business, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the city or country of residence of the Account Owner. 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 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 and that he was killed upon his deportation to Bershad, the Ukraine, in 1941.

### 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, demonstrating that the Account Owner was the Claimant's maternal grandfather. The CRT notes that the Claimant submitted a certified declaration made by Rivka Rosenthal in 1973, declaring that Elka and Meyer Yakir perished in a concentration camp in Beryozky Vinnista, the Ukraine, and that Elka's father was named Josef, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

## The Issue of Who Received the Proceeds

Given that the Account Owner perished during the Holocaust; that the auditors who carried out the ICEP Investigation indicated that there was no evidence of activity on the account after 1945; that the account was closed no later than November 1949; that there is no record of the payment of the Account Owner's account to him or to his heirs; that the Account Owner's heirs would not have been able to obtain information about the 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 his 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 her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

## Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00.

## **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 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  
28 September 2004