

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ernest Schönfeld

in re Account of Emil Schönfeld and Alice Schönfeld

Claim Numbers: 211389/MBC; 211410/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Ernest Schönfeld (the “Claimant”) to the published account of Emil and Alice Schönfeld (the “Account Owners”) 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 two Claim Forms identifying the Account Owners as his parents, Emil Schönfeld, who was born on 10 May 1879 in Somorja, Hungary, and Alice Schönfeld, née Sternberg, who was born on 14 October 1889 in Vienna, Austria. The Claimant stated that his parents were married on 20 October 1908 in Vienna, and that they had two children: Edith Bruckner, née Schönfeld, who was born on 5 September 1909 in Vienna; and Ernest Schönfeld (the Claimant), who was born on 23 January 1921 in Vienna.

The Claimant stated that his parents, who were Jewish, were co-owners of a shirt factory named *H. Sternberg, Jn.* located at Kaiserstrasse 39 in Vienna VII. The Claimant stated further that his parents resided at Mariahilferstrasse 95 in Vienna VII between the years 1908 and 1925, and at Kupelwiesergasse 11 in Vienna III from 1925 to 1938. The Claimant explained that after the annexation of Austria by Nazi Germany in March 1938 (the *Anschluss*), his parents resided at various boarding houses in Vienna, until they emigrated to Cuba in 1941. The Claimant stated that his father, Emil Schönfeld, died in Havana, Cuba, on 9 January 1944, and that his mother moved to the United States that same year. The Claimant stated that Alice Schönfeld died on 28 April 1973 in Vienna, and that his sister, Edith, died on 14 August 1949 in Buenos Aires, Argentina. According to the family tree provided by the Claimant, Edith Bruckner, née Schönfeld, had one son, Thomas Bruckner, who died in 1970.

In support of his claim, the Claimant submitted his mother’s birth certificate, indicating she was born in Vienna; a document stating that Emil Schönfeld was a citizen of Vienna (*Heimatschein*),

dated 7 December 1921; his mother's death certificate; his sister's death certificate; his father's will, in which he bequeathed his entire Estate to the Claimant's mother; his mother's will in which she bequeathed her entire Estate to the Claimant.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were Emil Schönfeld and Mrs. (*Frau*) Alice Schönfeld, who resided in Vienna, Austria. The Bank's record further indicates that the Account Owners held a demand deposit account denominated in Pounds Sterling that was closed on 31 May 1942.¹

The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required Jews residing within the Reich, including Austria, who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Emil Schönfeld and Alice Schönfeld, née Sternberg, numbered 11140 and 4442 respectively, showing that they resided at Kupelwiesergasse 11 in Vienna XIII in 1938, and later used numerous other addresses in Vienna.

The file concerning Alice Schönfeld indicates that she was born on 14 October 1889 and was married to Emil Schönfeld. The file concerning the assets of Emil Schönfeld indicates that he was born on 10 May 1879 and was married to Alice Schönfeld, née Sternberg. These records show that Emil and Alice Schönfeld owned a shirt factory named *H. Sternberg jr.* at Kaiserstrasse 39 in Vienna VII that was "aryanized" by the Nazis. According to these records, the total assets owned by Emil and Alice Schönfeld were valued at 1,213,479.00 Reichsmark (RM) as of 1 January 1938. The records further state that Emil Schönfeld was assessed atonement tax (*Judenvermögensabgabe*) of RM 84,600.00 and flight tax (*Reichsfluchtsteuer*) of RM 82,219.00. These records do not mention assets held in a Swiss bank account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended

¹ The CRT notes that, on the February 2001 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"), Alice Schönfeld and Emil Schönfeld are published as having one account each. Upon careful review of the Bank's record, the CRT has concluded that Alice Schönfeld and Emil Schönfeld jointly held one account.

(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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s parents’ names match the published names of the Account Owners. The Claimant stated that his parents resided in Vienna, Austria, which matches unpublished information about the Account Owners’ city of residence contained in the Bank’s records.

The CRT notes that the Bank’s record does not contain any specific information about the Account Owners other than their names, and country and city of residence. The CRT notes further that the Claimant provided his parents’ street addresses, which match the information contained in the Austrian State Archives.

In support of his claim, the Claimant submitted documents, including a document stating that the Claimant's father was a citizen of Vienna, and his parents' wills, thus providing independent verification that his parents were Emil and Alice Schönfeld and that his family resided in Vienna.

The CRT notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they emigrated from Austria to Cuba in 1941. The CRT notes that the Account Owners filed census records with the Nazi authorities, and these records show that the Account Owners were Jewish and resided in Nazi-controlled Austria.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. Those documents include Emil Schönfeld's and Alice Schönfeld's wills. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank’s record indicates that the account was closed on 31 May 1942, at which time, according to information provided by the Claimant, the Account Owners were outside Nazi-dominated territory. However, given that the Bank’s record does not indicate to whom the account was closed; that the Account Owners fled their country of origin due to Nazi persecution; that the Account Owners may have had relatives remaining in their country of origin and that they may therefore have yielded to Nazi pressure to turn over their account to ensure their safety; that the Account Owners and their heirs would not have been able to obtain

information about their account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 (a)(ii), (h) and (j), as provided in Article 28 of the Rules (Appendix A), the CRT concludes that there is sufficient probability that the account proceeds were not paid to the Account Owners or their 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were his parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one demand deposit 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00. 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 a total award amount of SF 26,750.00.

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's accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss Bank's 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