

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Walter Steiner¹
represented by [REDACTED]

in re Accounts of Walter Steiner

Claim Number: 700400/AE²

Award Amount: 59,750.00 Swiss Francs

This Certified Award is based upon the claim of Walter Steiner (the “Claimant”) to the published accounts of Walter Steiner (the “Account Owner”) at the Solothurn and Schaffhausen branches of the [REDACTED] (the “Bank”).³

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

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) with the Court in 1999 identifying the Account Owner as himself, Walter Steiner. The Claimant indicated that he was born on 22 November 1914, and that he resided in Prague, Czechoslovakia (now the Czech Republic), at Na Zednikove 68. The Claimant indicated that he was Jewish and that in 1940 the Germans looted his assets in Plzen, Czechoslovakia (now Pilsen, Czech Republic). The Claimant further

¹ On 6 April 2005, the Claimant’s spouse, [REDACTED], informed the CRT that the Claimant passed away on 6 October 1999. The Claimant’s son submitted the Claimant’s death certificate to the CRT on 23 May 2005.

² Walter Steiner did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered CZE 0011198, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires that 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 IQ was forwarded to the CRT and has been assigned claim number 700400.

³ The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP”) did not conclude that the accounts at issue were necessarily held by the same individual. However, given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

indicated that he was deported to three concentration camps during the Second World War where he performed slave labor: Terezin in 1941, Auschwitz in 1944 and Dachau in 1945.

In support of his claim, the Claimant's son, [REDACTED], submitted the Claimant's death certificate, identifying the Claimant as Walter Steiner, who was born on 22 November 1914 and who resided in Prague, and identifying the Claimant's spouse as [REDACTED], née [REDACTED], and the Claimant's parents as [REDACTED] and [REDACTED], née [REDACTED]. The Claimant's son also submitted the Claimant's marriage certificate, dated 19 December 1945, indicating the Claimant's name as Walter Steiner, and stating that he was born on 22 November 1914 in Plzen and was a clerk who resided in Prague and Pilsen.

Information Available in the Bank's Records

Solothurn branch

The Bank's record consists of an extract from a list of dormant savings/passbook accounts which had been transferred to the Bank's suspense account. According to this record, the Account Owner was Walter Steiner, whose domicile is not indicated. The Bank's record indicates that the Account Owner held a savings/passbook account numbered 7001, which held a balance of 5.15 Swiss Francs ("SF") as of 5 March 1941. The records further indicate that the account was considered dormant by the Bank and was transferred to the Bank's suspense account by 5 March 1941, where it remains.

Schaffhausen branch

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Walter Steiner, whose domicile is not indicated. The Bank's record shows that the Account Owner held an account, the type of which is not indicated, numbered 12860. The record further shows that the account was transferred to the Bank's suspense account on 17 November 1987, on which date it held a balance of SF 8.05. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant'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 his claim, the Claimant and the Claimant's son submitted information and documents including the Claimant's death certificate and marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself, 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 the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List bore his name, but indicates that the Claimant had reason to believe that he owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information supported by the Claimant.

The CRT further notes that there are no other claims to these accounts. 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 he was a Victim of Nazi Persecution. The Claimant indicated that he was Jewish and that in 1940 the Germans looted his assets in Plzen. The Claimant further indicated that he was deported to three concentration camps during the Second World War where he performed slave labor: Terezin in 1941, Auschwitz in 1944 and Dachau in 1945.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information and documents. The CRT notes that the Claimant’s son submitted the Claimant’s death certificate and marriage certificate, identifying the Claimant as Walter Steiner.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the accounts remain in the Bank’s suspense 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 he was the Account Owner, and that 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 Award

In this case, the Account Owner held one savings/passbook account and one account of unknown type. With regard to the savings/passbook account, the Bank’s records indicate that the value of the account as of 5 March 1941 was SF 5.15. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. With regard to

the account of unknown type, the Bank's records indicate that the value of the account as of 17 November 1987 was SF 8.05. In accordance with Article 31(1) of Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is SF 693.05. 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 balances of the accounts 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 59,750.00.

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 accounts to which he 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
31 August 2005

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