

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Joseph (Josef) Ullmann (Ullman)**

Claim Number: 601469/AC<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Joseph (Josef) Ullmann (Ullman) (the “Account Owner”) at the New York branch of the [REDACTED] (“Bank I”) and to the unpublished accounts of the Account Owner, over which [REDACTED], née [REDACTED], (“Power of Attorney [REDACTED]”) and [REDACTED] (“Power of Attorney [REDACTED]”) (together the “Power of Attorney Holders”) held power of attorney at the Diessenhofen branch of the [REDACTED] (“Bank II”) (together the “Banks”).

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 a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her father, Joseph (Josef) Ullmann, who was born on 27 December 1892 in Gailingen, Germany (now Gailingen am Hochrhein), and was married to [REDACTED], née [REDACTED], on 21 October 1928. The Claimant stated that her father was the son of [REDACTED] and [REDACTED], née [REDACTED], and that her father had two siblings, [REDACTED] and [REDACTED]. The Claimant indicated that her father was a dentist, and that he resided in Gailingen, where he owned a dental practice. The Claimant stated that her parents had two daughters, the Claimant and [REDACTED], who was born in Gailingen on 19 February 1930. According to the Claimant, her father, who was Jewish, fled Germany in April 1938 with his family to Geneva, Switzerland, where the Claimant’s maternal grandmother, [REDACTED], née [REDACTED], resided. The Claimant stated that her father wanted the family to remain in Switzerland, but that because he was unable to obtain permits, the family was

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<sup>1</sup> The Claimant submitted a claim, numbered B-00407, on 2 March 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601469.

forced to move across the border to Ambilly, France in early 1939. The Claimant stated that when her family moved to France, her father opened a Swiss bank account.

The Claimant indicated that her family remained in France until the outbreak of the Second World War, when her father was detained and sent to a camp near Lyon, France. The Claimant further stated that she returned to Switzerland with her mother and her sister in October 1942, aided by family members who were living there. The Claimant indicated that her father escaped from the camp in France, and that he was reunited with his family in Switzerland in May 1943. The Claimant stated that, with the exception of a seven year stay in Israel, she lived in Switzerland from 1942 until 1983, that her father passed away in June 1961 in St. Gallen, Switzerland, and that her mother died there in 1978.

In support of her claim, the Claimant submitted documents, some of which, including the account closure card for an account numbered 80237, were obtained by the HCPO on the Claimant's behalf and forwarded to the CRT. These documents include: 1) a copy of a Gailingen registration form for [REDACTED] and [REDACTED], née [REDACTED], indicating that they were married on 21 January 1892 in Gailingen, that they were Jewish, and that they had a son, [REDACTED], who was born in Gailingen on 10 May 1900, and who moved to America on 25 October 1937; 2) a copy of a Gailingen registration form for Josef Ullmann and [REDACTED], née [REDACTED], indicating that they were married on 21 October 1928 in St. Gallen, that they were Jewish, that they had two children, named [REDACTED] and [REDACTED], respectively, who were both born in Gailingen, that Josef Ullmann was born in Gailingen on 27 December 1892 to [REDACTED] and [REDACTED], that he was a dentist, that [REDACTED], née [REDACTED], was born in St. Gallen on 12 April 1909 to [REDACTED] and [REDACTED], née [REDACTED], and that the family left Gailingen in 1938; 3) a copy of an extract from her father's birth certificate issued on 21 July 2003 by the Gailingen Registrar of Births, Marriages, and Deaths, indicating that Joseph Ullmann was born on 27 December 1892 in Gailingen, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 4) a copy of her own birth certificate, issued on 16 November 1989 by the Gailingen Registrar of Births, Marriages, and Deaths, indicating that the Claimant was born in Gailingen on 16 February 1932, and that her parents were Josef Ullmann and [REDACTED], née [REDACTED], both of whom resided in Gailingen; 5) a copy of her father's passport, issued by the German Consulate in St. Gallen on 22 August 1957, indicating that Dr. Josef Ullmann was a dentist, and that he was born in Gailingen on 27 December 1892, and providing a signature sample, in which he wrote "Ullman" as his last name; 6) a copy of an account closure card, typed in English, for an account numbered 80237, owned by *Herr* (Mr.) Joseph Ullmann from Ambilly, indicating that the account was closed on 14 November 1946, with a notation of 21 February 1940 handwritten above the closure date; 7) a copy of an *Israelitisches Wochenblatt* article referring to the 1997 publication by the World Jewish Congress of Swiss bank accounts held and frozen in U.S. branches, which lists "Joseph Ullman, Armilly" as an account owner; and 8) a copy of a letter dated 28 January 1997 sent by the Claimant in response to the 1997 *Israelitisches Wochenblatt* publication, in which the Claimant stated that "Joseph Ullmann, Ambilly" was the correct information.

The Claimant indicated that she was born on 16 February 1932 in Gailingen.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her father, Joseph Ullmann.

## **Information Available in the Banks' Records and the United States National Archives**

### Bank I

Bank I's record submitted to the CRT by the auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") consists of a printout from Bank's I database. Based on Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the Bank to provide additional documents pertaining to any accounts held by the Account Owner at Bank I ("Voluntary Assistance"). On 27 May 2004, Bank I submitted additional documents consisting of a customer card and a list of accounts held at Bank I's New York agency. Bank I also submitted a list of accounts belonging to French nationals blocked in the United States by the United States Treasury Department. That list comes from the United States National Archives.

According to these records, the Account Owner was Joseph Ullmann (Ullman)<sup>2</sup> who resided in Ambilly, France. Bank I's records indicate that the Account Owner held one demand deposit account numbered 80237, and that the account was opened on 21 February 1940. Bank I's records further show that the account was frozen on 14 June 1941, under the 1941 United States freeze of Swiss assets in United States, and that the amount in the account on the date that it was frozen was 2,647.75 United States Dollars. These records further indicate that the account was closed on or before 14 November 1946. There is no evidence in the records submitted to the CRT that the Account Owner or his heirs closed the account and received the proceeds themselves.<sup>3</sup>

### Bank II

Bank II's records consist of extracts from Bank II's ledger. According to these records, the Account Owner was Josef Ullmann, a dentist who resided in Gailingen, Germany. According to Bank II's records, the Account Owner held one safe deposit box, numbered 293, and one demand deposit account.

Bank II's records show that the safe deposit box was rented on 6 December 1923, and that the Account Owner granted power of attorney to [REDACTED], née [REDACTED], who resided in Gailingen, and to [REDACTED]. Bank II's records indicate that the safe deposit box rental

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<sup>2</sup> The customer card indicates that the Account Owner's last name was spelled Ullmann, whereas the other records indicate that his name was spelled Ullman.

<sup>3</sup> The HCPO indicated in correspondence with the CRT that the New York State Comptroller's Office of Unclaimed Funds had confirmed that the account never escheated to the State of New York. The CRT notes that the records indicate that this account was included in the United States 1941 freeze of Swiss assets in the United States, and further notes that accounts subjected to this freeze generally were not unfrozen until February 1947. Finally, the CRT notes that it has no further information available with respect to the disposition or circumstances of closure of this account.

contract was transferred to [REDACTED] on an unknown date, and then to Power of Attorney [REDACTED] on 27 January 1937. Bank II's records also indicate a reference to "[REDACTED]" next to the fees paid for the safe deposit box rental.

According to Bank II's records, the safe deposit box was signed for and emptied by [REDACTED] on 13 September 1938, after which date [REDACTED] paid an additional fee for the safe deposit box on 2 November 1938.

With respect to the demand deposit account, Bank II's records do not indicate when the account was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in Bank II's system of open accounts, and they therefore presumed that it was closed. There is no evidence in Bank II'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

#### Bank I

With respect to the published account at Bank I, the Claimant's father's name matches the published name of the Account Owner at Bank I. The Claimant indicated that her father resided in Ambilly, which matches published information about the Account Owner's residence contained in Bank I's records. The Claimant stated that her father moved to Ambilly in early 1939, and that he was in France until May 1943, which is consistent with the unpublished information in Bank I's records regarding when the account was opened. The CRT further notes that in support of her claim, the Claimant submitted documents, including: 1) a copy of a customer card obtained by the HCPO on behalf of the Claimant, which is a duplicate of the customer card provided in Bank I's records; 2) a copy of her father's birth certificate, which indicates that his name was Joseph Ullmann; 3) a copy of a Gailingen registration form, which indicates that her father's name was Josef Ullmann; 4) a copy of her father's passport, which shows his name as Josef Ullmann, and includes a signature sample spelling his name as Josef Ullman; and 5) a copy of her own birth certificate, which indicates that her father's name was Josef Ullmann. In addition, the Claimant submitted a copy of a letter that she sent in response to the 1997 publication of "Joseph Ullman, Armbilly" in the *Israelitisches Wochenblatt*, in which she corrected the listing to be "Joseph Ullmann, Ambilly," indicating that she had knowledge of the Account Owner's last name and residence apart from the information that had been published at the time.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Josef Ullmann, and indicates that his date of birth was 27 December 1892 and that he was possibly a "rejected refugee" in Switzerland, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. In addition, the

CRT also notes that the name Joseph Ullman appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner at Bank I.

## Bank II

With respect to the unpublished accounts held at Bank II, the Claimant has plausibly identified the Account Owner. The Claimant's father's name, place of residence and profession match the unpublished information about the Account Owner contained in Bank II's records. The Claimant's mother's name matches the unpublished name of Power of Attorney [REDACTED]. The Claimant also identified her maternal grandmother's name as [REDACTED], which matches the unpublished name of a person to whom the safe deposit box contract was transferred. The Claimant also indicated that her paternal uncle was Martin Ullmann, which is consistent with a name referenced in Bank II's records. The CRT notes that in support of her claim, the Claimant submitted documents, including: 1) a copy of her father's birth certificate, which indicates that his name was Joseph Ullmann; 2) copies of Gailingen registration forms, which indicate that her father, Josef Ullmann, was a dentist, that his parents had another son, Martin, and that her mother's parents were [REDACTED] and [REDACTED], née [REDACTED]; 3) a copy of her father's passport, which lists his name as Josef Ullmann, with his signature spelling his name as Josef Ullman, and which states that he was a dentist born in Gailingen; and 4) a copy of her own birth certificate, which indicates that her parents were Josef Ullmann and [REDACTED], née [REDACTED], of Gailingen.

Based on the information provided by the Claimant and the information indicated in the Banks' records, the CRT finds it plausible that the Account Owner referred to in the records of Bank I and Bank II is the same person. Finally, the CRT notes that other claims to the accounts at Bank I and Bank II were disconfirmed because those claimants provided different countries or cities of residence than the country and city of residence of 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, that he resided in Germany until 1938, that he fled Germany and attempted to reside in Switzerland but was denied residence permits, and that he was detained in a camp in France before he successfully fled to Switzerland in 1943. As noted above, a person named Josef Ullmann was included in the CRT's database of victims.

## 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 and documents demonstrating that she was the Account Owner's daughter. These documents include a copy of her birth certificate, which states that her father's name was Josef Ullmann. The CRT notes that the Claimant indicated that she has a sister, [REDACTED], but the CRT further notes that it does not have a claim from her.

## The Issue of Who Received the Proceeds

### Bank I

With respect to the demand deposit account held at Bank I, Bank I's records indicate that the account was frozen on 14 June 1941 and was closed on 14 November 1946. The Claimant indicated that her father returned to Switzerland in May 1943, that he passed away in St. Gallen in June 1961, and that her mother passed away in St. Gallen in 1978. Furthermore, the Claimant submitted a copy of her father's passport, which was issued by the German consulate in St. Gallen on 22 August 1957. Taking all these factors into consideration, the CRT finds it likely that the Claimant's father was in Switzerland at the time of the account's closure in 1946. Moreover, the New York State Comptroller's Office of Unclaimed Funds confirmed to the HCPO that the account never escheated to the State of New York. Therefore, the CRT concludes that the Account Owner closed this account and received its proceeds.

### Bank II

With respect to the safe deposit box held at Bank II, Bank II's records indicate that the safe deposit box was signed for and emptied on 13 September 1938 by Power of Attorney [REDACTED]. Bank II's records indicate that the Account Owner granted [REDACTED] power of attorney, and that the safe deposit box contract was subsequently transferred to her on 27 January 1937, almost 20 months prior to the date on which the safe deposit box was emptied with a record bearing her signature. Therefore, the CRT concludes that Power of Attorney [REDACTED], who also held the contract for the safe deposit box, received the proceeds of the claimed account.

With respect to the demand deposit account held at Bank II, given that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the accounts; given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owner remained in Germany until 1938, and was later detained in a camp in France, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; given that the Account Owner and his heirs would not have been able to obtain information about his 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 (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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the demand deposit account held at Bank II.

### Amount of the Award

In this case, the Award is to 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 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 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 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  
10 December 2004