

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Benjamin Ungar

in re Account of Bella Ungar and Elisabeth Ungar

Claim Number: 400336/JG

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Benjamin Ungar (the “Claimant”) to the published account of Bella Ungar (“Account Owner Bella Ungar”) and Elisabeth Ungar (“Account Owner Elizabeth Ungar”) (together the “Account Owners”) at the Davos 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 Owners as his parents, Bella (Bela) Ungar and Elisabeth (Erzsebet) Ungar, née Fleisch, both of whom were Jewish. The Claimant stated that his father was born on 8 September 1885 in Horgoš, Yugoslavia (now Serbia), and that his mother was born on 31 May 1895 in Senta, Yugoslavia (now Serbia). The Claimant stated that his parents were married on 12 August 1919 in Senta.

The Claimant explained that from 1925 to 1944 his parents resided at 21 Oslobodjenja in Subotica, Yugoslavia (now Serbia), that his mother was a housewife, and that his father was an engineer and a landowner. The Claimant indicated that his father sold agricultural produce to Swiss clients, and therefore went on month-long annual business trips to Davos, Switzerland, as well as regular trips to Bern, Geneva and Zurich until 1941. The Claimant stated that his parents resided in Subotica until 1944, when they were sent to a ghetto in Bácsalmás, Hungary, and then to Auschwitz, where they perished. The Claimant indicated that he had one sibling, Ferenc Ungar, who was born on 20 November 1924 and who also perished at Auschwitz in 1944.

In support of his claim, the Claimant submitted copies of the following documents: an undated notification by the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*) regarding compensation proceedings initiated in 1965, which indicates that Benjamin (Benjamin) Ungar was entitled to a partial payment of 1,300.00 Deutschmark (“DM”) as compensation for jewelry and precious metals confiscated from Benjamin Ungar, Bela Ungar and Erzsebet Ungar, née

Flesch, and his own Israeli identity card, which indicates that Benjamin Ungar was born in Yugoslavia, and that his parents' names were Bela and Elisabeth.

The Claimant indicated that he was born on 31 July 1926 in Subotica.

Information Available in the Bank's Records

The CRT notes that 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") did not report an account belonging to Bela Ungar or Elisabeth Ungar, during their investigation of the Bank. The documents evidencing accounts belonging to Bella Ungar and Elisabeth Ungar were obtained from archival sources in the Swiss Federal Archive.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Bella Ungar and *Frau* ("Mrs.") Elisabeth Ungar, numbered 841.

According to these records, the account owners were Bella Ungar and Elisabeth Ungar, who resided in Subotica, Yugoslavia. These records also indicate that the Bank did not have contact with the Account Owners since before 1945.

These records indicate that the Account Owners jointly held a savings/passbook account, numbered 9737. The records further indicate that as of 1 September 1963, the account held a balance of 543.90 Swiss Francs ("SF").

According to the Swiss Federal Archive records, the account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 6 March 1964. On 22 December 1965 it was reported by the Justice Department to the Cantonal Guardianship Authority of the district of Davos (*Vormundschaftsbehörde des Kreises Davos*), and on 1 September 1966 it was placed under the guardianship of Dr. H. Häberlin, a custodian in the office for assets of missing foreigners. On 16 March 1970, the balance of the account was transferred to a fund for dormant and heirless accounts that was created pursuant to the 1962 Survey (the "Heirless Assets Fund").

The CRT's Analysis

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, and the Claimant's parents' city and country of residence match the unpublished city and country of residence of the Account Owners.

In support of his claim, the Claimant submitted documents, including a notification provided by the Regional Tax Office in Berlin and the Claimant's own Israeli identity card, providing independent verification that the people who are claimed to be the Account Owners had the same names and resided in the same country as the names and country of residence of the Account Owners recorded in the Swiss Federal Archive records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes two pages of testimony submitted by the Claimant in 1989, one of which indicates that Bela Ungar was born on 6 September 1885 in Horgoš, Yugoslavia, that he was married to Elisabeth, that he was an engineer by profession, and that he perished at Auschwitz in 1944, all of which match the information about the Account Owner provided by the Claimant in his claim form. The second page of testimony indicates that Elisabeth Ungar, née Flesch, was born on 31 May 1895 in Senta, Yugoslavia, that she was married to Bela, that she resided in Subotica and was a housewife, and that she perished at Auschwitz in 1944, all of which match the information about the Account Owner provided by the Claimant in his claim form. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that each of the names Bella Ungar and Elisabeth Ungar appears only once on the List of Account Owners Published in 2005 (the "2005 List"). The CRT notes that the other claims to this account were disconfirmed because the claimants provided a different country of residence than the country of residence of the Account Owners.

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 in 1944 they were deported to a ghetto in Bácsalmás, Hungary, and then to Auschwitz, where they perished. The Claimant also submitted a document produced by the Regional Tax Office in Berlin, which indicates that Bela and Erzsebet Ungar were imprisoned in Auschwitz in 1944.

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. These documents include the Claimant's Israeli identity card, which indicates that his parents' names were Bela and Elisabeth, as well as the Regional Tax Office document, which indicates that the Claimant was entitled to compensation for items seized from

Bela and Erzsebet Ungar at Auschwitz. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Swiss Federal Archive records indicate that the account was transferred to the Swiss Heirless Assets Fund.

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 Governing the Claims Resolution Process, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owners were his parents, and that relationship justifies an Award. Third, the CRT has determined 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 savings/passbook account. The Swiss Federal Archive records indicate that the account had a balance of SF 543.90 as of 1 September 1963. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 828.90. 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. 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 10,375.00.

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 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
23 June 2008