

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Rosa Vogel

Claim Numbers: 200589/AX; 601536/AX¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Rosa Vogel and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the published account of [REDACTED].² This Award is to the published account of Rosa Vogel (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Rosa Vogel, née Mayer, who was born in Kolomyja, Poland, and was married to Solomon Vogel in Poland. Claimant [REDACTED 1] indicated that her parents moved from Poland to Vienna, Austria, but could not recall the exact date. Claimant [REDACTED 1] indicated that her mother, who was Jewish, lived in Vienna for more than 30 years at Bezirk

¹ Claimant [REDACTED 2] submitted a claim, numbered B-00460, on 22 December 1997, 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 601536.

² The CRT did not locate an account belonging to Claimant [REDACTED 2] s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules). Claimant [REDACTED 2] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 2] or upon information from other sources.

Pfeffergasse. In a telephone conversation with the CRT on 29 April 2002, Claimant [REDACTED 1] indicated that after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), her parents escaped to Belgium in 1939 or 1940, and then later to Palestine. Claimant [REDACTED 1] indicated that her mother died in Israel in the 1950s. In a second telephone conversation with the Claimant’s daughter on 1 June 2005, the Claimant’s daughter indicated that her mother, who was ill, did not wish to represent her siblings. In support of her claim, Claimant [REDACTED 1] submitted her birth certificate indicating that her mother was Rosie Vogel. Claimant [REDACTED 1] indicated that she was born on 8 February 1914 in Vienna.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his paternal aunt, Rose Vogel, who was the daughter of [REDACTED] and [REDACTED]. In a telephone conversation with the CRT on 6 June 2005, Claimant [REDACTED 2] indicated that his aunt lived in Dobroczyne, Poland before the Second World War. Claimant [REDACTED 2] further indicated that his aunt was married and then divorced, and that after the divorce she resided with her parents. According to Claimant [REDACTED 2], his aunt, who was Jewish, was killed by the Nazis when they invaded Poland. Claimant [REDACTED 2] stated that he did not have any documentation because his father moved to the United States before the Second World War, and that all of his relatives died in the Holocaust. In support of his claim, Claimant [REDACTED 2] submitted a Page of Testimony submitted to the Yad Vashem Memorial in 1957 by his grandmother’s nephew, indicating that [REDACTED] perished in the Holocaust. Claimant [REDACTED 2] indicated that he was born on 20 March 1931 in New York, New York, the United States.

Information Available in the Bank’s Record

The Bank’s record consists of a list of accounts transferred to a suspense account for dormant assets. According to this record, the Account Owner was Rosa Vogel, whose domicile is not indicated. The Bank’s record indicates that the Account Owner held a demand deposit account numbered 331736. The Bank’s record indicates that the account was transferred to a suspense account for dormant assets on 31 December 1976. The amount in the account on the date of its transfer was 1,283.30 Swiss Francs (“SF”). The account remains in the Bank’s suspense account.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 2]'s aunt's name match the published name of the Account Owner.³ The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of her claim, Claimant [REDACTED 1] submitted her birth certificate, indicating that her mother's name was Rosie Vogel, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the Bank's record as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rosa Vogel from Austria, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because that claimant provided a spelling of his relative's last name which differs from that of the Account Owner, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish and fled Austria after the *Anschluss*. Claimant [REDACTED 2] indicated that the Account Owner was Jewish and was killed by the Nazis when they invaded Poland. As noted above, a person named Rosa Vogel from Austria was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother. These documents include Claimant [REDACTED 1]'s birth certificate, indicating that her mother was Rosie Vogel. The CRT notes that the Account Owner has other living children, but that Claimant [REDACTED 1] does not wish to represent them in this decision.

³ The CRT notes that Claimant [REDACTED 1] submitted documents indicating that her mother's name was Rosie Vogel, and that Claimant [REDACTED 2] indicated that his aunt's name was Rose Vogel. The CRT further notes that these slight inconsistencies in the spelling of their relatives' names do not effect the identification of the Account Owner, as Rosie and Rose are common alternative names for Rosa.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s aunt. The CRT notes that Claimant [REDACTED 2] submitted a Page of Testimony submitted by his relative to the Yad Vashem Memorial in Israel in 1957, indicating that his grandmother, [REDACTED], perished in the Holocaust, which provides independent verification that Claimant [REDACTED 2]'s relatives bore the same family name as the Account Owner, which supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother, and Claimant [REDACTED 2] has plausibly identified that the Account Owner was his aunt, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 31 December 1976 was SF 1,283.30. In accordance with Article 31(1) of Rules, this amount is increased by an adjustment of SF 480.00, which reflects standardized bank fees charged to the account between 1945 and 1976. Consequently, the adjusted balance of the account at issue is SF 1,763.30. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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