

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED], [REDACTED], and [REDACTED]
and to Claimant [REDACTED 2]

in re Account of Rahel Zeisler

Claim Numbers: 300650/SJ,¹ 300629/SJ

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Rahel Zeisler (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

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

Information Provided by the Claimants

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Rahel Zeisler, née Dzialoschinsky, who was born on 25 September 1894 in Kempen/Posen, Germany, and was married to [REDACTED] in 1920 in Frankfurt am Main, Germany. According to Claimant [REDACTED 1], Rahel Zeisler, who was Jewish, lived in Gailingen, Germany (on the Swiss border), between 1930 and 1939. Claimant [REDACTED 1] stated that her father, [REDACTED], worked in Switzerland as a sales representative for the Czechoslovakian firm, *Texwa A.G.*, and that he maintained an address in Baden, Switzerland. Claimant [REDACTED 1] further stated that in 1940 her parents were ordered to move away from the border, and they relocated to Frankfurt am Main. Claimant [REDACTED 1] explained that her mother and three of her siblings gained entry into Switzerland at the outbreak of the

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 214157. The CRT will treat the claim to this account in a separate decision.

Second World War, but as [REDACTED] was denied entry, they all returned to Germany. According to Claimant [REDACTED 1], in 1942 her father was arrested and sent to a concentration camp, and he perished in Auschwitz-Birkenau in 1943. Claimant [REDACTED 1] indicated that her mother perished in approximately 1943. Claimant [REDACTED 1] further indicated that three of her siblings were also killed in concentration camps. In support of her claim, Claimant [REDACTED 1] submitted documents, including copies of the Bank's records; a letter from [REDACTED]; her own marriage certificate and identification card, both of which identify Rachel Zeisler as her mother; and the birth certificate of her late sister, [REDACTED], which indicates that her mother was Rachel Zeisler.

Claimant [REDACTED 1] indicated that she was born on 4 July 1922 in Frankfurt am Main. Claimant [REDACTED 1] is representing [REDACTED], her sister, who was born on 12 February 1921 in Frankfurt; [REDACTED], her brother, who was born on 25 November 1925 in Frankfurt; and [REDACTED], the widower of Claimant [REDACTED 1]'s sister, [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that her sister, [REDACTED], was born on 5 April 1924 in Frankfurt.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by [REDACTED] and/or Rahel Zeisler.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as a friend of the family, Rahel Zeisler, née Dzialoschinsky, who was born in Kempen/Posen, Germany, and was married to [REDACTED] in 1920 in Frankfurt am Main, Germany. Claimant [REDACTED 2] stated that [REDACTED] was a commercial traveler for a Czechoslovakian leather goods firm and that he often took monies into Switzerland for others. Claimant [REDACTED 2] stated that [REDACTED] and Rahel Zeisler lived in Gailingen, Germany, on the Swiss border, from 1929 until 1939. Claimant [REDACTED 2] stated that his grandfather gave [REDACTED] 50,000 Reichsmarks for the latter to deposit in Switzerland. Claimant [REDACTED 2] stated that he believes it is possible that [REDACTED] opened an account under the name of his wife, Rahel Zeisler, for the benefit of Claimant [REDACTED 2]'s grandfather. Claimant [REDACTED 2] stated that [REDACTED] perished in Auschwitz in 1942, and identified [REDACTED] (Claimant [REDACTED 1]) and [REDACTED] as children of [REDACTED] and Rahel Zeisler. In support of his claim, Claimant [REDACTED 2] submitted letters that he had received from ATAG Ernst & Young confirming that Claimant [REDACTED 2] had submitted a claim to an unpublished account and that his claim was transferred to the Independent Committee of Eminent Persons ("ICEP"), and informing Claimant [REDACTED 2] that he would soon be receiving "an official notice from the United States District Court for the Eastern District of New York concerning the settlement of a class action lawsuit involving Swiss banks and other Swiss entities in connection with World War II."

Claimant [REDACTED 2] indicated that he was born on 19 January 1943 in Amsterdam, Holland.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1998

asserting his entitlement to a Swiss bank account owned by [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of suspended account ledgers, a list of suspended accounts and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Rahel Zeisler who was listed in the Bank's records as a Swiss resident. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 6494. The account was transferred to a suspense account for dormant assets on or before 16 July 1949. The amount in the account on the date of its transfer was 92.35 Swiss Francs. The account remains open 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 claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 2]'s friend's name match the published name of the Account Owner. Claimant [REDACTED 1] identified her parents as having a Swiss address, which is consistent with unpublished information about the Account Owner contained in the Bank's records. In support of her claim, Claimant [REDACTED 1] submitted documents, including her own birth certificate and identification card, both of which identify Rachel Zeisler as her mother.² Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rahel Zeisler Dzialoschinsky, and indicates that her date of birth was 25 September 1894, and that she resided in Frankfurt am Main, Germany, and Gailingen, Germany, 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 further notes that Claimant [REDACTED 1] filed an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by [REDACTED] and Rahel Zeisler, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 1] has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name

² The CRT notes that the Claimant's marriage certificate and identification card are in Hebrew and that "Rahel" and "Rachel" are common spelling variations of the name in European languages.

as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that her mother owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1]. Finally, the CRT notes that the other claim to this account was disconfirmed because the claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have 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. The Claimants stated that the Account Owner was Jewish, and that she was killed in a concentration camp. As noted above, a person named Rahel Zeisler was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her mother. These documents include Claimant [REDACTED 1]'s birth certificate, identifying Rachel Zeisler as her mother. But for the Claimant's siblings, whom she represents in these proceedings, there is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has stated that he is not related to the Account Owner, but believes that the account was opened for the benefit of his grandfather. However, as there is no information in the Bank's records to indicate that the account at issue was opened for the benefit of anyone other than the Account Owner, Claimant [REDACTED 2] is not entitled to any share of the award amount.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account, where it remains open.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], as she is a direct descendant of the Account Owner. First, the claim is 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 that relationship justifies 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 16 July 1949 was 92.35 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 10,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. According to Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased and that child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner. In this case, Claimant [REDACTED 1], who is the daughter of the Account Owner, is representing her sister, [REDACTED]; her brother, [REDACTED]; and [REDACTED], the widower of her sister, [REDACTED], née [REDACTED]. Accordingly, Claimant [REDACTED 1], [REDACTED], [REDACTED] and [REDACTED] are each entitled to one-quarter of the total award amount.

As indicated above, Claimant [REDACTED 2] is not entitled to a share in this Award.

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
20 May 2004