

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Betti (Betty) Adler

Claim Number: 214623/MG

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Betti (Betty) Adler (the “Account Owner”) at the Zurich branch of 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his grandmother, Betti (Betty) Adler, née [REDACTED], who was born on 12 July 1859 in Vienna, Austria and was married to [REDACTED], a prominent professor of Musicology at the University of Vienna, on 22 March 1887 in Vienna. The Claimant stated that his grandmother, who was Jewish, came from a family of wealthy merchants. The Claimant further stated that his grandmother had two children, [REDACTED], the Claimant’s father, who was born on 25 April 1894 and became a medical doctor, and [REDACTED], his aunt, who was born on 12 January 1888 and who also became a medical doctor. The Claimant stated that his grandmother resided at Lannerstrasse 9 in Vienna XIX until her death on 18 December 1933, and that she owned property on Gonzagagasse in Vienna, and that she owned a Swiss bank account.

The Claimant identified the Power of Attorney Holder as Dr. Leo Reiss, an attorney at law in Vienna who resided at Ring des 12 November 8 in Vienna and who represented the Claimant’s grandparents and his aunt.

The Claimant stated that after the Nazi annexation of Austria (the “Anschluss”), in March 1938, he, his father and his mother, [REDACTED], née [REDACTED], who were all Jewish, fled Austria to the United States. The Claimant stated that his grandfather, [REDACTED], who was 83 years old at the time, was allowed to stay in Vienna because he was protected by a contingent of his former students from the University of Vienna “who greatly respected and admired the old

professor.” The Claimant stated that his grandfather died in Vienna on 15 February 1941. The Claimant stated that his aunt, [REDACTED], who was the first female student at the University of Innsbruck, stayed in Vienna to look after her elderly father. The Claimant stated that after [REDACTED]’s death his aunt tried to flee Austria and escape to be with her relatives in Italy but was unsuccessful, and on 20 May 1942 the Nazis deported her to Minsk (now Belarus) where she was murdered in a concentration camp. The Claimant indicated that his father died in 1964 in Phoenix, Arizona, the United States.

In support of his claim, the Claimant submitted various documents, including his grandmother’s birth certificate issued by the Jewish community in Vienna, his father’s birth certificate indicating that Betti Adler was his mother, his own birth certificate indicating that [REDACTED] was his father, his grandmother’s will dated 15 July 1932 naming Dr. Leo Reiss as the executor (and that his wife’s name was [REDACTED]), and a sample of his grandmother’s signature. The Claimant indicated that he was born on 24 April 1938 in Vienna.

Information Available in the Bank Records

The bank records consist of a signed power of attorney form, dated 26 November 1931, and a printout from the Bank’s database. According to these records, the Account Owner was Betti (Betty) Adler, a university professor’s wife, who resided at Lannerstrasse 9 in Vienna XIX, Austria, and the Power of Attorney Holder was Dr. Leo Reiss, attorney at law, who resided at Rings des 12 November 8 in Vienna I. The bank records indicate that the Account Owner held an account of unknown type, which was opened in 1931. The bank records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the bank records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother’s name and his grandmother’s attorney’s name match the published names of the Account Owner and the Power of Attorney Holder. The Claimant identified his grandmother’s and his grandmother’s attorney’s street addresses, which match unpublished information about the Account Owner and the Power of Attorney Holder contained in the bank records. Furthermore, the Claimant stated that the alternative spelling of his grandmother’s first name was Betty, and that she was married to a university professor, which matches unpublished information contained in the bank records.

Finally, the Claimant submitted a sample of his grandmother's signature, which matches the signature sample contained in the bank records. In support of his claim, the Claimant submitted documents, including his grandmother's birth certificate issued by the Jewish community in Vienna, his father's birth certificate indicating that Betti Adler was his mother, and his grandmother's will dated 15 July 1932 naming Dr. Leo Reiss as the executor of the will. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner heirs were Victims of Nazi Persecution. The Claimant stated that the Account Owner and her family were Jewish, and that while the Account Owner died in Vienna before the Nazi annexation in 1938, the Account Owner's son fled Austria in 1938 for the United States, and her daughter was deported to a concentration camp in Minsk (Belarus), where she was murdered.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his father's birth certificate stating that Betti (Betty) Adler was the mother of [REDACTED], and his own birth certificate indicating [REDACTED] was his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended, (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held an account of unknown type. 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of

unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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
May 15, 2003