

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Frederic R. Adler
also acting on behalf of Paul Adler and Ruth Snavely

in re Account of Paul Adler

Claim Number: 201129/SJ

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of Frederic R. Adler (the “Claimant”) to the account of Hermann Adler.¹ This Award is to the account of Paul Adler (the “Account Owner”) at the Zurich 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 Owner as his brother, Paul Adler, who was born on 8 December 1920 in Vienna, Austria. The Claimant stated that his brother is Jewish. The Claimant also stated that their father, Hermann Adler, was a merchant in Vienna with business connections in Switzerland. According to the Claimant, Hermann Adler and his family escaped to Shanghai, China, in 1938. In a telephone conversation with the CRT, the Claimant stated that his father was arrested in March of 1938, just prior to his escape to China, but was then released. The Claimant stated that his father then lived in Shanghai from 1938 until 1945, though during the final two years he was forced to live in the Jewish Ghetto in Shanghai. The Claimant also stated that he settled in California, and that his brother, Paul Adler, made his way to Toronto, Canada, where he currently lives. In support of his claim, the Claimant submitted a detailed family tree; Paul Adler’s birth certificate, showing that he is the son of Hermann Adler and Ida Adler, née Skutetzky; and Ruth Snavely’s birth certificate, showing that she is the daughter of Hermann Adler and Ida Adler.

The Claimant indicated that he was born on 14 June 1922 in Vienna. The Claimant is representing Paul Adler, his brother, who was born on 8 December 1920 in Vienna, and Ruth Snavely, née Adler, who was born on 21 April 1926, also in Vienna.

¹ The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Paul Adler, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account denominated in a foreign currency and a safe deposit box, numbered S683.

The demand deposit account was closed on 31 July 1938 and the safe deposit box was closed on 22 April 1939. The amounts in the accounts on their dates of closure are unknown. There is no evidence in the Bank's record that the Account Owner or his 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 brother's name matches the published name of the Account Owner. The Claimant identified his brother's place of residence as Vienna, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that while the Claimant's brother was likely a minor at the time these accounts were opened, individuals opening accounts in the names of their children was not an uncommon practice. In support of his claim, the Claimant submitted documents, including a detailed family tree and Paul Adler's birth certificate. The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 and that he and his family fled Vienna, Austria, for Shanghai, China, during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his brother's birth certificate, demonstrating that the Account Owner is Paul Adler, his brother.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss* (Annexation of Austria), Austrian citizens who are Jewish report their assets in the 1938 census, and, within approximately a year, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the accounts were closed on 31 July 1938 and 22 April 1939, after the 13 March 1938 *Anschluss*; that the CRT's precedent indicates that it

is plausible in such situations that the account proceeds were paid to the Nazis; that Hermann Adler was arrested before leaving Austria in 1938, providing an opportunity for a coerced transfer of the deposits in this case, as demonstrated in other cases decided by the CRT; that there is no record of the payment of the Account Owner's accounts to him or his heirs; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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 (a), (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. 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's brother, Paul Adler. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that his brother is the Account Owner, and he is representing him. Finally, the CRT has determined that it is plausible that the Account Owner did not receive the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account owner held one demand deposit account and one safe deposit box. 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 investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of the contents of a safe deposit box was 1,240.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 42,250.00 Swiss Francs.

Division of the Award

As indicated above, as the Claimant's brother, Paul Adler, is the Account Owner, he is entitled to the entire award amount. Conversely, the Claimant and his sister, Ruth Snavely, are not entitled to any share of the award amount.

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
20 May 2004