

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award upon Request for Reconsideration

to the Estate of Claimant [REDACTED]¹
represented by [REDACTED]
in turn represented by Elisheva Ansbacher

in re Account of Dr. Leopold Balint

Claim Number: 221089/WT

Award Amount: 377,062.50 Swiss Francs

This Certified Award upon Request for Reconsideration is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Leopold Balint (the “Account Owner”) held at an unnamed Swiss bank.²

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.

Procedural History

In a decision approved by the Court on 30 October 2007, the CRT treated the Claimant’s claims to the accounts of Leopold Balint. In that decision, the Claimant was informed that the CRT was unable to locate any accounts belonging to the above-named individual in the Account History Database (“AHD”) 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”).

In a letter dated 16 December 2007, the Claimant's representative requested reconsideration of the October 2007 decision and stated that the Claimant had previously submitted documents

¹ On 6 June 2003, [REDACTED], the son of [REDACTED] (“the Claimant”) informed the CRT that his father had passed away.

² In a decision dated 30 October 2007, the CRT informed the Claimant's representative that it did not locate an account belonging to Leopold Balint 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”).

purportedly showing that Leopold Balint owned an account at an unnamed Swiss bank, as detailed below. The Claimant's representative also submitted additional documents and information with the request for reconsideration. This decision addresses these documents submitted by the Claimant and his representative.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal uncle, Dr. Leopold (Lipot) Balint (formerly [REDACTED]), who was born on 29 April 1881 in Mol, Yugoslavia (today Mol, Serbia), and was married to [REDACTED], née [REDACTED]. The Claimant stated that his uncle, who was Jewish, was a physician and dentist who lived in Mol with his wife and their son, [REDACTED]. The Claimant explained that his mother, [REDACTED], née [REDACTED], was Leopold Balint's sister. The Claimant stated that his uncle and his family were deported to Auschwitz in 1944, where they perished.

In support of his original claim, the Claimant submitted documents, including:

- (1) A handwritten postcard signed by his uncle in Mol in 1935, which was sent to his sister, [REDACTED] (the Claimant's mother).
- (2) A photograph of the memorial in the Jewish cemetery in Mol to the victims of the Holocaust, which includes the names of Dr. Leopold Balint, [REDACTED], [REDACTED], and which indicates that they lived in Mol and that they perished in the Holocaust.
- (3) A letter dated 18 December 1962 from the Claimant, who as of that date resided in Haifa, Israel, to the Swiss Bankers Association (*Schweizerische Bankvereinigung*) in Basel, Switzerland, in which the Claimant requested that the association disclose the existence of any Swiss bank accounts held by family members of his mother, [REDACTED], née [REDACTED], including her brother, Dr. med. Leopold (Lipot) Balint. This letter further states that [REDACTED] had four brothers and two sisters: Dr. med. Leopold Lipot Balint of Mol, Yugoslavia, Dr. veter. [REDACTED] of Ada, Yugoslavia, and [REDACTED] of Mol, Yugoslavia (all of whom perished in concentration camps), [REDACTED], who lived and died in Bern, Switzerland, [REDACTED], née [REDACTED], who lived in Timisoara, Romania, and [REDACTED], née [REDACTED], who lived in Sydney, Australia.
- (4) A page from a petition to a Yugoslavian court in Senta, Yugoslavia (today Senta, Serbia), stamped as received on 18 December 1954 and submitted by an attorney representing [REDACTED] (the brother of [REDACTED]), requesting that the court declare Dr. Lipot Balint, his wife [REDACTED] and their son [REDACTED], who were deported by Nazis in 1942 and not heard from again, dead. The petition indicates that the attorney had received the birth certificates of all three family members on 15 December 1954.
- (5) A certificate issued on 16 January 1955 by the municipality of Mol, indicating that Dr. Lipot Balint, his wife [REDACTED] and son [REDACTED] were residents of Mol until they were deported in 1944.

- (6) A Yugoslavian court decision, issued on 5 November 1955 by the High Court of Senta, indicating that Dr. Lipot Balint, [REDACTED] and [REDACTED] were declared to have died on 30 June 1944.
- (7) An estate assets report, issued on 26 December 1955 by the municipality of Mol, which is more thoroughly described below.

The Claimant indicated that he was born on 29 April 1921 in Mol.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 and an Initial Questionnaire in 1999, asserting his entitlement to a Swiss bank account owned by Leopold Balint.

With his request for reconsideration, the representative of the Claimant's estate submitted copies of:

- (1) two letters from the Claimant to a member of the Israeli parliament and the head of its property restitution committee, Abraham Hirschsohn, dated 19 January 1997 and 29 January 1997, indicating that he (the Claimant) had attempted in vain for over forty years to locate the Swiss bank account of his uncle and requesting Hirschsohn's assistance; and
- (2) an insurance policy, purchased on 16 March 1933 in Mol, indicating that on 8 May 1933 *Assicurazioni Generali* issued a policy to Dr. Lipot Balint, who named [REDACTED], née [REDACTED], as his beneficiary.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the ICEP Investigation did not report an account belonging to Leopold Balint during their investigation. The document evidencing a Swiss bank account was submitted by the Claimant's representative to the CRT.

This document consists of an estate assets report, issued on 26 December 1955 by the municipality of Mol, registering the assets that the estate of Dr. Lipot Balint contained on this date. This document indicates that the estate contained eleven items of property, including a Steinway piano, an x-ray machine from his medical practice, an *Assicurazioni Generali* insurance policy, and a passbook for a Swiss bank account that held assets totaling 30,000.00 Swiss Francs ("SF"). The document indicates that this list of property was submitted in the course of inheritance proceedings by [REDACTED], who was the brother of [REDACTED], née [REDACTED] and who was the brother-in-law of Dr. Lipot Balint.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The CRT notes that the Claimant and his representative submitted the documents that evidence the existence of the claimed accounts.

The CRT also notes that a database containing the names of victims of Nazi persecution includes a Page of Testimony submitted by the Claimant in 1956, which indicates that Dr. Leopold Balint was born on 29 April 1881 in Mol, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 was a Victim of Nazi Persecution. The Claimant stated that his uncle Owner was Jewish and that in 1944 he was deported with his wife and child to Auschwitz, where they perished. The Claimant also submitted a photograph of the memorial in the Jewish cemetery in Mol to the victims of the Holocaust, which shows that Dr. Leopold Balint, his wife [REDACTED], and [REDACTED] lived in Mol and that they perished in the Holocaust.

As noted above, a person named Leopold Balint was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's uncle. These documents include a letter written by the Claimant to the Swiss Bankers Association, indicating that he had requested the disclosure of any Swiss bank accounts held by Dr. med. Leopold (Lipot) Balint. The CRT notes that the information submitted by the Claimant and his representative indicates that the Account Owner may have other heirs. However, as they have not submitted a claim, their potential entitlement to the claimed account will not be considered in this decision.

The Issue of Who Received the Proceeds

The record submitted by the Claimant indicates that a passbook for a bank account at an unidentified Swiss bank was included in an estates asset report regarding the estate of Dr. Lipot Balint, and that his brother-in-law, [REDACTED], submitted this list to the municipality of Mol on 26 December 1955 in the course of inheritance proceedings in Communist Yugoslavia.

Given that the Account Owner was deported with his family to Auschwitz in 1944, where he perished; that his passbook was included in an estate assets report during court proceedings in Communist Yugoslavia after the War initiated by his brother-in-law, who resided behind the Iron Curtain and thus would not have been able to access the account; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account 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 (h), (i), 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 or his 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The estate assets report indicates that the value of the account as of 26 December 1955 was SF 30,000.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1955. Consequently, the adjusted balance of the account at issue is SF 30,165.00. The current value of this amount is determined by multiplying the adjusted balance value by a factor of 12.5, in accordance with Article 31(1) of the Rules to produce a total award amount of SF 377,062.50.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
17 September 2010