

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Sándor Balogh

Claim Number: 752295/RS^{1,2}

Award Amount: 105,474.38 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Sándor Balogh (the “Account Owner”) at the London branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) and an ATAG Ernst & Young claim form (“ATAG form”) identifying the Account Owner as his father, Sándor Balogh. The Claimant indicated that his father, who was Jewish, was born in 1902 and was a tailor. According to the Claimant, his father resided in Budapest prior to the Second World War, and beginning in April 1944, he was forced to live in a so-called “yellow star house” in the ghetto in Budapest. The Claimant also stated that in November 1944, Nazi authorities looted a number of

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN 0157 159, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 752295.

² In 1998, the Claimant also submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-B-10-609-151-603, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has also been assigned Claim Number 752295.

valuable assets and money from his family. The Claimant indicated that his father was released from the Budapest ghetto in January 1945.

In support of his claim, the Claimant submitted copies of a bank document, which is further described below.

The Claimant indicated that he was born on 26 July 1936.

Information Available in the Bank's Record

The CRT notes that 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 report an account belonging to Sándor Balogh during their investigation of the Bank. The Bank's document was forwarded to the CRT by the Claimant and is described below.

The Bank's record consists of a letter from the Bank dated 25 September 1952, and addressed to Mrs. O. Newman, of London, England. The letter indicates that the recipient had telephoned and visited the Bank on numerous occasions in order to inquire about a demand deposit account belonging to Mr. Sándor Balogh of Budapest, Hungary. The letter also states that, "in conformity with the directions issued by the British Government," the balance of the demand deposit account held by Sándor Balogh at the Bank's London office, namely 488.11.6 British Pounds ("£"), was frozen on 27 October 1942, and transferred to the "Custodian of Enemy Property," Public Trustee Office, in London.

The Bank's record does not show whether the account at issue was closed. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence, spouse's name, or date of birth or death than the city and country of residence, spouse's name, and date of birth or death of 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 was forced to live in the Budapest ghetto and in a house marked as a “yellow star house” in 1944 and 1945.

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, demonstrating that the Account Owner was the Claimant’s father. The CRT further notes that the Claimant submitted a copy of the Bank record indicating the existence of the Account Owner’s account. The CRT notes that it is plausible that this document is a document, which most likely only a family member would possess. The CRT notes that the Claimant indicated that he has at least one other surviving relative, but that because he is not represented in the Claimant’s claim, the CRT will not treat his potential entitlement to the Account Owner’s account in this decision.

The Issue of Who Received the Proceeds

The Bank’s record indicates that the account was frozen on 27 October 1942. The Bank’s record does not indicate whether the account was later closed.

Given that the Account Owner was forced to live in the Budapest ghetto in 1944; 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 father, 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 demand deposit account. The Bank’s record indicates that the value of the demand deposit account as of 27 October 1942 was £ 488.11.6, which was

equivalent to 8,437.95 Swiss Francs (“SF”).³ The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 105,474.38.

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
30 September 2008

³ Before the decimalization of the British pound in 1971, values in Pound Sterling were expressed in terms of pounds, shillings, and pence. The CRT has converted the account balance to the decimal value for the purposes of calculating the current value of this account. In decimal terms, the shilling is equivalent to £1/20 and one penny is equivalent to £1/240. The CRT uses official exchange rates when making currency conversions.