

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Bruno Heinz Barth

in re Account of Anna Barth

Claim Number: 201219/HM

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Bruno Heinz Barth (the “Claimant”) to the account of Anna Barth (the “Account Owner”) at [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 and an Initial Questionnaire identifying the Account Owner as his mother, Anna Barth, who was born in approximately 1895, and was married to Leib Barth. The Claimant stated that his mother, who was Jewish, lived at Steyergasse 87, Sevitengasse 24 and Pramergasse 15 in Vienna, Austria. The Claimant further stated that his mother sent him to England in January 1939 to keep him safe from the Nazis, and that she intended to follow him. Instead, she was deported to a concentration camp, where she perished. According to the Claimant, his father, who died in 1928, had two cousins in Switzerland with whom his mother may have been in contact. The Claimant indicated that he was born on 10 July 1922 in Vienna. In support of his claim, the Claimant submitted his birth certificate, in which his parents’ names and street addresses in Vienna are identified. Furthermore, the Claimant submitted a document from the Central British Fund for World Jewish Relief that confirms that the Claimant is registered with the Jewish Refugees Committee as a Jewish refugee who came from Austria on 12 January 1939.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database. According to these records, the Account Owner, Anna Barth, had an account of unknown type, numbered 33360. The assets in the account were transferred on 31 December 1957 to a suspense account. The value of the assets on the date of their transfer was 12.60 Swiss Francs. The records indicate that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as his mother. His mother's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted documents, including his birth certificate, in which the Account Owner's name is indicated. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. Because the information contained in the bank records is not inconsistent with the information provided by the Claimant, the CRT concludes that it is plausible that his mother was the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Anna Barth, 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 the Claimant has based his 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 as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 was killed in a concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is the Account Owner's only child. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that, on 31 December 1957, the Bank transferred the account at issue to a collective/suspense account, which is a grouping of open and dormant accounts, and the account remains open and dormant.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that

relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 31 December 1957 was 12.60 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 845.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 31 December 1957. Consequently, the adjusted balance of the account at issue is 857.60 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,9500.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value of presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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