

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Franz Bauer and Lajos Bauer

Claim Number: 222892/AY¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Franz Bauer. This Award is to the joint account of Franz Bauer and Lajos Bauer (the “Account Owners”) 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 Owners as his maternal relatives. The Claimant identified Franz Bauer as his maternal great-uncle and Lajos Bauer as his first cousin, once removed (his mother’s cousin). The Claimant indicated that Franz Bauer was born to [REDACTED] and [REDACTED] in 1866 in Eger (also known as Erlau), Hungary. The Claimant stated that his great-uncle, who was Jewish, owned two six-story apartment buildings in Budapest and a wholesale paper business named *Sas & Bauer* located at Szemelynok utca 23 in Budapest, where he also resided. The Claimant stated that his great-uncle, who never married and had no children, was wealthy and traveled widely in foreign countries, including Switzerland. According to the Claimant, his great-uncle went into hiding during the Nazi occupation of Hungary and later died on 14 October 1954 in Budapest. The Claimant stated that his cousin, Lajos Bauer, who was Jewish, was the son of [REDACTED], née [REDACTED], and [REDACTED] (Franz Bauer’s brother), and that for a certain period of time Lajos Bauer resided with Franz Bauer. The Claimant further indicated that Lajos Bauer was married, had one son, and that he passed away in Vienna, Austria, in approximately 1988.

¹ The Claimant submitted two additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 211922 and 600721, respectively. The CRT will treat the claims to these accounts in separate decisions.

In support of his claim, the Claimant submitted copies of the birth certificates of [REDACTED] (Franz Bauer's sister), a photograph of Franz Bauer, taken in 1927 in Venice, Italy, and copies of letters from Franz Bauer to [REDACTED], the Claimant's mother. The Claimant said that his mother, who survived Auschwitz, never returned to Hungary but kept in touch with her uncle after the War. The Claimant stated that he was born on 14 September 1932 in Nyiregyhaza, Hungary.

The Claimant's mother, [REDACTED], née [REDACTED], who passed away on 13 April 2000, previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Ferenc Bauer of Szemelynok Utca 21/23, Budapest, Hungary, and stated that all his assets in Budapest were confiscated by the Nazis, and that he had gold and jewelry in a bank account in Switzerland.

Information Available in the Bank's Records

The Bank's records consist of two printouts from the Bank's database. According to these records, the joint Account Owners were Franz Bauer and Lajos Bauer of Budapest, Hungary. The Bank's records indicate that the Account Owners held an account of unknown type that existed as early as 1930. The Bank's 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's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The names of the Claimant's great-uncle and his first cousin, once removed, match the published names of the Account Owners. The Claimant identified his relatives' city of residence, which matches published information about the Account Owners contained in the Bank's records. Moreover, although the names of the joint Account Owners were published separately on the list of bank accounts published by the ICEP Investigation on 5 February 2001, the Claimant stated that the Account Owners were related, which matches unpublished information contained in the Bank's records. In support of his claim, the Claimant submitted copies of documents, including his great-uncle's birth certificate and family correspondence. The information and documentation provided by the Claimant indicates that the Claimant and the Account Owners

belong to the same family. The CRT therefore finds it plausible that the Claimant's great-uncle and first cousin, once removed, and the Account Owners are the same persons.

The CRT notes that the Claimant's mother filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ferenc Bauer from Budapest, Hungary, 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"). In addition, the CRT notes that Ferenc is the Hungarian equivalent of Franz, the first name of one of the Account Owners. 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 or his mother before the publication of the ICEP List. It also indicates that the Claimant or the Claimant's mother had reason to believe that their 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. The CRT also notes that the names Franz Bauer and Lajos Bauer each appear only once on the ICEP List. Furthermore, the CRT notes that no other claims were submitted to this account.

Status of Account Owner Franz Bauer as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Franz Bauer was a Victim of Nazi Persecution. The Claimant stated that Account Owner Franz Bauer was Jewish, lived in Hungary during the Second World War, and went into hiding during the Nazi occupation of Hungary.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents demonstrating that he is the great-nephew of Franz Bauer, and the first cousin, once removed, of Lajos Bauer. The Claimant stated that he believes that Account Owner Lajos Bauer was married and had a child; however, as noted above, there have been no other claims filed to the account of Franz Bauer and Lajos Bauer.

The Issue of Who Received the Proceeds

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 Owners 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 Owners were his great-uncle and first cousin, once removed, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one joint 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 current 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
June 3, 2003