

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation

Case No. CV96-4849

## **Certified Award**

to Claimant [REDACTED]

**in re Account of G. Baumgartner**

Claim Number: 600993/AX<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of [REDACTED],<sup>2</sup> [REDACTED], and [REDACTED].<sup>3</sup> This Award is to the unpublished account of G. Baumgartner (the “Account Owner”) at the [REDACTED] (the “Bank”).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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her adoptive mother and great-aunt, Gisela Baumgartner, née Schlessinger, who was born on 21 February 1881, in Cesky Tesin, Austria-Hungary (today, Slovakia), and was married to [REDACTED], who was born on 5 September 1882, in Cesky Tesin. The Claimant indicated that Gisela Baumgartner, who was Jewish, was the sister of the Claimant’s maternal grandmother, [REDACTED], née [REDACTED].

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<sup>1</sup> The Claimant submitted a claim, numbered B-00259, on 3 November 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600993.

<sup>2</sup> The CRT did not locate an account belonging to [REDACTED] 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”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

<sup>3</sup> The CRT will treat the claim to the accounts of [REDACTED] and [REDACTED] in separate decisions.

The Claimant explained that she was born on 15 December 1943 in Martin, Czechoslovakia (today, Slovakia), to Jewish parents, [REDACTED] and [REDACTED], and was hidden by a Catholic family during the Second World War. After the Second World War, the Claimant learned that her parents had been killed, and was subsequently adopted by [REDACTED] and Gisela Baumgartner on 8 December 1948. The Claimant stated that [REDACTED] was the director of a company named *Prager Eisen Industrie Gesellschaft*, which was located in Kladno, Czechoslovakia (today, the Czech Republic). The Claimant indicated that [REDACTED] and Gisela Baumgartner lived in Kladno and remained there during the Second World War. According to the Claimant, [REDACTED] died on 23 July 1955 in Kladno, and Gisela Baumgartner died on 14 August 1962 in Kladno. In support of her claim, the Claimant submitted her birth certificate, indicating that she used the name [REDACTED] and that [REDACTED] was her adoptive father.

### **Information Available in the Bank's Records**

The Bank's records consist of an internal list of dormant accounts and a printout from the Bank's database. According to these records, the Account Owner was G. Baumgartner. The Bank's records do not contain information about the Account Owner's address. The Bank's records indicate that the Account Owner held one account, but do not indicate its type. According to the Bank's records, the account was transferred on 30 June 1937 to a collective account for dormant accounts where it remains open. The amount in the account on the date of transfer was SF 31.00.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's adoptive mother's first initial and last name matches the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any information about the Account Owner other than the first initial and last name. The CRT further notes that the Claimant filed an HCPO claim form in November 1997 asserting her entitlement to Swiss bank accounts owned by [REDACTED], the spouse of Gisela Baumgartner, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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 further notes that there are no other claims to this account. 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 indicated that her adoptive mother was Jewish, and that she lived in Nazi occupied Czechoslovakia.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her adoptive mother as well as her maternal great-aunt. The CRT notes that the Claimant identified the unpublished first initial and last name of her adopted mother as contained in the Bank's records. The CRT further notes that the Claimant submitted her birth certificate, indicating she used the name [REDACTED], and that she was adopted by [REDACTED], which provides independent verification that the Claimant and her relatives bore the same family name as the Account Owner.

### The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred on 30 June 1937 to a collective account for dormant assets, where it remains.

### 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her adoptive mother and her great-aunt, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of this account as of 30 June 1937 was SF 31.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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 49,375.00.

### **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 her claim to determine whether there are additional Swiss bank accounts to

which she 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