

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Account of Rodolphe Henri Bernard

Claim Number: 715345/HB²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Rodolphe Henri Bernard (the “Account Owner”) at the Tavannes 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”) identifying the Account Owner as her father, Rudolf Bernard, who was born in 1896 in Hungary. According to the Claimant, her father, who was Jewish, resided at Ujpest Arpad U.26 in Budapest, Hungary, where he also owned a textile store. The Claimant indicated that on 19 March 1944, the Nazis confiscated her father’s assets, and deported him to Kistarcsa, Hungary, and then to Auschwitz, where he perished in December 1944.

The Claimant indicated that she was born on 14 October 1924 in Budapest.

¹ In a telephone conversation with the CRT on 20 May 2007, the son of Claimant [REDACTED] (the “Claimant”) indicated that his mother had passed away. Therefore, this award is to the Claimant’s estate.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB-0118129, 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 715345.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Rodolphe Henri Bernard. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account of unknown type, numbered 9069. According to the Bank's records, the Bank's last contact with the Account Owner occurred on 5 September 1938. These records further indicate that on 14 December 1987 the Bank suspended the Account Owner's account and booked it to a collective account, where it remains today. According to the Bank's records, the balance of the account on the date of its suspension was 1.05 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

The CRT notes that the Claimant indicated that her father's first name was "Rudolf," while the Bank's records indicate that the Account Owner's first name was "Rodolphe." However, the CRT notes that "Rudolf" and "Rodolphe" are common spelling variations of the same name, and that the account was open in a branch in the French-speaking part of Switzerland, and consequently the CRT finds that this discrepancy does not adversely affect the Claimant's identification of the Account Owner. The CRT also notes that the Bank's records indicate that the Account Owner's middle name was "Henri," and that the Claimant did not indicate whether her father had a middle name. The CRT further notes that the Claimant passed away in 2007, and that the Claimant's son could not provide the CRT with any information regarding the Account Owner's middle name, and consequently the CRT finds that this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

The CRT notes that the name Rodolphe Henri Bernard appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Rudolf Bernard, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant based her 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 her relative, but rather 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 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 stated that the Account Owner was Jewish, that he resided in Nazi-occupied Hungary, and that he was deported by the Nazis to Kistarcsa, and then to Auschwitz, where he perished in December 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her IQ.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 14 December 1987 the Bank booked the Account Owner's account to a collective suspense account, where it remains today.

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 her father, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of the account as of 14 December 1987 was SF 1.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 686.05. 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, to produce a total award amount of 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
September 2008