

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Dr. Fritz Blank

Claim Number: 601164/AK^{1,2}

Award Amount: 280,074.63 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Dr. Fritz Blank (the “Account Owner”) at the New York and Zurich branches 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 to the Holocaust Claims Processing Office (“HCPO”), identifying the Account Owner as his grandmother’s cousin, Dr. Fritz Blank, who was born on 29 September 1914 in Horn/Lippe, Germany, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his cousin was Jewish and that he was married to [REDACTED]. The Claimant further stated that his cousin fled Germany to Switzerland in or around 1940 and that he studied cancer research in Zurich, Switzerland between 1940 and 1946. The Claimant explained that Fritz Blank was considered stateless during his time in Switzerland. The Claimant indicated that he visited his cousin in Zurich in 1944 and that his cousin told him about his Swiss bank account. The Claimant indicated that Fritz Blank and his wife emigrated to the United States in 1946, where he died in April 1977 and his wife in 1992.

The Claimant submitted records pertaining to the account of Fritz Blank, which were obtained by the HCPO on his behalf and which are described below in detail.

¹ The Claimant submitted a claim, numbered B-00809, on 31 March 1998, 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 601164.

² The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 400745. The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Records

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 Fritz Blank during their investigation of the Bank. The Bank's documents were obtained from the Bank by the HCPO on the Claimant's behalf and were forwarded to the CRT.

The Bank's records consist of an account registry card, a printout from the list of accounts frozen in 1941 under the U.S. Trading with the Enemy Act,³ and a printout from the Bank's database of closed accounts. According to these records, the Account Owner was Dr. Fritz Blank who resided in Zurich and was considered stateless. The Bank's records indicate that the Account Owner held one demand deposit account, numbered 80173, which was opened on 20 January 1940. The Bank's records further indicate that the account was transferred to the New York branch of the Bank, and frozen on 14 June 1941 by the United States authorities pursuant to the Trading with the Enemy Act. The amount in the account on the date it was frozen was 5,198.60 United States Dollars ("US \$"). The records indicate that the account was marked closed as of 5 September 1945. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records 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 cousin's name and city of residence match the unpublished name and city of residence of the Account Owner. The Claimant identified the fact that his grandmother's cousin held the title of doctor and that he was stateless, prior to obtaining this information about the Account Owner from the Bank's records, as obtained by the HCPO. The CRT notes that there are no other claims to this account.

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 fled Germany in or around 1940.

³ During the Second World War the United States government froze certain foreign assets located in the United States, under the powers of the Trading with the Enemy Act of 1917 (50 U.S.C. App.). On 14 June 1941, President Roosevelt extended freezing controls to cover all of continental Europe (the "1941 Freeze"). Executive Order 8785 Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of All Foreign-Owned Property, and Related Matters (6 Fed. Reg. 2897). See PLUNDER & RESTITUTION: THE U.S. & HOLOCAUST VICTIMS' ASSETS, Staff Report of the Presidential Advisory Commission on Holocaust Assets in the United States, SR-44 (United States Government Printing Office, 2000) ("PLUNDER & RESTITUTION"), available at <http://www.pcha.gov>.

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 cousin. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT 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 he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Bank's records indicate that the account was frozen on 14 June 1941 and marked closed as of 5 September 1945 by the Bank. The CRT notes that the Washington Accord, which provided for the release of certain Swiss assets that were frozen pursuant to the Trading with the Enemy Act, was not signed until 25 May 1946. Furthermore, there is no evidence that the Account Owner was notified of the release of his account, or that the account proceeds were paid to the Account Owner or his heirs. Given these circumstances, and given the application of Presumptions (h) and (j), as contained in the Rules Governing the Claims Resolution Process (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 cousin, and that relationship justifies an Award. Finally, 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

The Bank's records indicate that the value of the numbered demand deposit account as of 14 June 1941 was US \$5,198.60, which was equivalent to 22,405.97 Swiss Francs ("SF") in 1941. The present 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 280,074.63.

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
21 September 2005