

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] (represented by [REDACTED])
and [REDACTED 2] (represented by [REDACTED])

in re Account of Robert and Marie Blumka

Claim Numbers: 209026/AA; 209027/AA

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] and [REDACTED 2] (the “Claimants”) to the accounts of Robert and Marie Blumka (the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms and Initial Questionnaires identifying the Account Owners as their parents, Robert and Marie Blumka, who were born on 4 June 1886 in Vienna, Austria and on 14 August 1898, respectively. According to the Claimants, their parents were married in Vienna on 20 April 1924. The Claimants stated that they are the daughters of the Account Owners and that they were both born in Vienna on 14 April 1925. The Claimants stated further that their father, who was Jewish, was a bank manager and that they lived in Vienna until 1939, when they were forced to flee Austria to England. In support of their claims, the Claimants submitted a detailed family tree showing how they are related to the Account Owners and specific information regarding their parents’ circumstances during the Second World War.

Information Available in the Bank Records

The bank records consist of an audit report prepared by the auditing firm investigating this account, an account opening card, and an excerpt from a list of accounts that were transferred to German or Austrian banks. According to these records, Robert Blumka was the sole owner of a

demand deposit account, and Robert and Marie Blumka were the joint owners of a custody account.

Both the demand deposit account and the custody account were transferred on 7 April 1938 to the Nazi-controlled bank *Oesterreichische Kreditanstalt*. The amount in the demand deposit account on the date of its transfer was 125.00 Swiss Francs, and the amount in the custody account on the date of its transfer was 3,000.00 Swiss Francs. 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”) determined that the amount in the accounts had been paid to the Nazi authorities.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. No records concerning the assets of any persons named were found in the records of the Austrian State Archives (Archive of the Republic, Finance). In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Robert Blumka. The documents, numbered 38055, indicate that Robert Blumka, who was Jewish, resided at Wolmutstrasse 14-16 and at Ferdinandstrasse 27 in Vienna II and was married to Maria Blumka, née Kutschka. The records indicate that Robert Blumka was retired and that he received a pension in the amount of 162,799.42 Reichsmarks per year. There is no indication in the records that Robert Blumka owned assets in a Swiss bank.

The CRT’s Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the claims of Claimant [REDACTED 1] and of Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Their parents’ names match the published names of the Account Owners. In addition, the Claimants stated that Robert and Marie Blumka were married, which matches unpublished information about the Account Owners contained in the bank documents.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish and lived in Austria during the Second World War. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Robert Blumka and indicates that his date

and place of birth were 4 June 1886 in Vienna, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting a detailed family tree. There is no information before the CRT to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the bank documents show that both of the accounts were transferred to the Nazi-controlled bank *Oesterreichische Kreditanstalt*. Therefore, it is clear that the Account Owners or their heirs have not received the proceeds of the accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their parents, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

The Bank records indicate that the value of the demand deposit account as of 7 April 1938 was 125.00 Swiss Francs, and the value of the custody account as of 7 April 1938 was 3,000.00 Swiss Francs. Thus, the total value of the two accounts is 3,125.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and the value of a custody account was less than 13,000.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be 2,140.00 Swiss Francs and the amount in a custody account shall be determined to be 13,000.00 Swiss Francs. Consequently, the total amount of the demand deposit account and the custody account is 15,140.00 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. Consequently, the total award amount in this case is 181,680.00 Swiss Francs.

Articles 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 65% of the Certified Award, and the Claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 118,092.00 Swiss Francs.

Division of the Award

According to Article 29 of the Rules, children of Account Owners who have submitted a claim are entitled to equal shares of the award. Thus, Claimant [REDACTED 1] is entitled to one-half of the Award, and [REDACTED 2] is entitled to one-half of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claim to determine whether there are additional Swiss bank accounts to which they 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.

Claim Resolution Tribunal
October 24, 2002