

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Henry Bogart

in re Account of Anna Bogatsch

Claim Number: 203918/EZ¹

Award Amount: 199,368.00 Swiss Francs

This Certified Award is based upon the claim of Henry Bogart (the “Claimant”) to the account of Anna Bogatsch (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Anna Bogart, née Weiss, who was born on 20 January 1884 in Vienna, Austria, and married Felix Bogatsch in Vienna, Austria. The Claimant stated that his mother was the owner and executive of a company named “*Damenmodenhaus Ignatz Weiss*” which had been established by the Claimant’s maternal grandfather. The Claimant also provided the street address of his mother’s company and home, which was Hietzinger Hauptstrasse, 35. The Claimant further stated that in 1940 his parents fled Austria for the United States, where his father died in 1957 and his mother died in 1970. The Claimant stated that he was born on 3 March 1921 in Vienna.

The Claimant stated that he remembered his parents discussing a Swiss bank account that had been transferred without their permission from Switzerland to Austria, where it was subsequently confiscated.

The Claimant provided the CRT with documents indicating that his parents officially changed their name from Bogatsch to Bogart in 1945, and with a certificate identifying him as the sole heir of his mother.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 209090 and 203918. The CRT has determined that these claims are duplicate claims and is treating them under the Consolidated Claim Number 203918. In addition, the Claimant also submitted a Claim Form to the account of Felix Bogatsch, which was registered under the Claim Number 201348 and will be adjudicated in a separate decision.

Information Available in the Bank Records

The bank records consist of account lists and a letter from the Bank, dated 17 March 1938, describing how it as soon as possible would complete a list of over 1000 custody accounts belonging to Austrian citizens pursuant to the Foreign Assets Law for Austria as of 23 March 1938. According to these records, the sole Account Owner was Anna Bogatsch. The bank records indicate that the Account Owner held a custody account numbered 33828, which was opened in 1931 and was transferred with a balance of 16,614.00 Swiss Francs to the Austrian Government through the *Oesterreichische Creditanstalt Wiener Bankverein* on 9 September 1938. These records also provide the Account Owner's specific address, which was Hietzinger Hauptstrasse, 35, Vienna, Austria.

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. In the records of the Austrian State Archives (Archive of the Republic, Finance) there are documents concerning the assets of Anna Bogatsch, née Weiss. According to these records, she was born on 20 January 1884, lived at 35, Hietzinger Hauptstrasse, Vienna VIII and was married to Felix Israel Bogatsch. She owned real estate at Neubaugasse 4, Vienna VIII and at Hietzinger Hauptstrasse 35, Vienna VIII. She was also a partner in the company *Damenmodenhaus Ignatz Weiss*, which sold women's fashions. Anna Bogatsch also owned stocks in several international companies and foreign government bonds, most of which were handed over to the *Reischbank*.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant identified his mother's exact street address, which matches the Account Owner's unpublished street address contained in the bank records and in the Austrian Census records. The Claimant also stated that the account was transferred to Austria and was confiscated by the Austrian Government, which matches unpublished information contained in the bank records.

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 had to flee Austria in order to escape the Nazis in 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. He has submitted documents which show that he was appointed sole heir in his mother's will. 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 documents show that the account was transferred to the Nazi-controlled *Oesterreichische Creditanstalt Wiener Bankverein* in September 1938. It is clear therefore that neither the Account Owner nor her heirs received the proceeds of the account themselves.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother and that relationship justifies 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

The bank records indicate that the value of the custody account as of 9 September 1938 was 16,614.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic value by a factor of 12, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 199,368.00 Swiss Francs.

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
October 3, 2002