

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Marla Valeria Lukawski
represented by Fela Hofman

in re Accounts of Marcel Breitfeld

Claim Number: 212585/ES

Award Amount: 51,360.00 Swiss Francs

This Certified Award is based upon the claim of Marla Valeria Lukawski, née Breitfeld, (the “Claimant”) to the accounts of Marcel Breitfeld (the “Account Owner”) at the Lausanne 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 has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Marcel Breitfeld, who was born on 9 February 1888 in Psemislany, Poland, and was married to Matilda Breitfeld, née Brack, on 1 March 1914 in Budapest, Hungary. The Claimant stated that her father was a furrier and owner of a company that produced lambskin fur hats and gloves. The Claimant further stated that her father exported furs to Switzerland, and that he had a non-Jewish friend, Mr. Vasarhelyi, who traveled to Switzerland and deposited money in Swiss banks. The Claimant indicated that her father resided in Budapest at Vaci-Utca 16 until 1930 and at Szemelynök-Utca 7 until March 1944. According to the Claimant, her father was taken to the Bergen-Belsen concentration camp with his family and was detained there for seven months until they were released on 7 December 1944, when the American Jewish Joint Distribution Committee brought them to Switzerland, where they lived until 1945.¹ After the Second World War, Marcel Breitfeld lived in Stockholm, Sweden, until 1949, and in New York, New York, until 1953. In a telephone conversation with the CRT, the Claimant’s representative, Fela

¹ The CRT notes that a person named Marcel Breitfeld was included in a database of people who were rescued by Rezső Kasztner. This list includes approximately 1,350 names. The list includes primarily those who were in Bergen-Belsen from July 1944 until December 1944. The CRT also notes that Rezső Kasztner, a Zionist activist in Hungary, coordinated with the Nazis and representatives of the American Jewish Joint Distribution Committee and the Jewish Agency in Switzerland to have over 3,000 Jews, mostly from Hungary and Transylvania, transported to Switzerland in June, August, and December 1944.

Hoffman, stated that at some point, Marcel Breitfeld and his family moved to Buenos Aires, Argentina, where Marcel Breitfeld died in 1959.

In support of her claim, the Claimant submitted documents including her birth certificate identifying her father as Marcel Breitfeld of Budapest, Hungary, her parents' United States naturalization certificates, the Claimant's Swedish passport and her sister's death certificate. The Claimant indicated that she was born on 24 May 1915 in Budapest.

Information Available in the Bank Record

The bank record consists of a customer card. According to this record, the Account Owner was Marcel Breitfeld of Budapest, Hungary. The bank record indicates that the Account Owner held two demand deposit accounts, which were opened on 10 November 1941 and closed on 23 May 1942 and 8 August 1942, respectively. The bank record does not indicate the value of these accounts on the date of their closure, nor does it indicate to whom they were paid. There is no evidence in the bank record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant identified her father's place of residence as Budapest, which matches unpublished information about the Account Owner contained in the bank record. In support of her claim, the Claimant submitted documents, including her birth certificate, which identifies her father as Marcel Breitfeld of Budapest, Hungary. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marcel Breitfeld, and indicates that his date of birth was 9 February 1888 and his place of birth was Psemyslany, Poland, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 that he was interned in the Bergen-Belsen concentration camp. As noted above, a person named Marcel Breitfeld was included in the CRT's database of victims

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is his daughter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given Hungary's alliance with Nazi Germany, the persecution of Jews in Hungary prior to the German invasion in 1944, the closure of the Account Owner's accounts in 1942, and the application of Presumptions (a), (i), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (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 her father, 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 accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, resulting in a total 1945 value of 4,280.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 51,360.00 Swiss Francs.

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
June 3, 2003