

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4],
[REDACTED 5], [REDACTED 6], [REDACTED 7], [REDACTED 8],
[REDACTED 9], [REDACTED 10], [REDACTED 11] and [REDACTED 12]

in re Accounts of Ernst Brücke and Dora Brücke-Teleky

Claim Number: 501545/KG

Award Amount: 424,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Ernest Brücke (“Account Owner Brücke”). This Award is to the published accounts of Account Owner Brücke and one published and one unpublished account of Dora Brücke-Teleky (“Account Owner Brücke-Teleky”) (together, the “Account Owners”) at the [REDACTED] (the “Bank”).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 Form identifying Account Owner Brücke as her paternal grandfather, Ernst Brücke, who was born on 8 October 1880 in Vienna, Austria, and was married to [REDACTED] on 5 April 1905 in Vienna, whom he divorced on 7 January 1930. The Claimant identified Account Owner Brücke-Teleky as her grandfather’s second wife, Dora Teleky, whom he married on 21 March 1930. The Claimant indicated that her grandfather, who was classified as “of mixed Jewish blood” (*Mischling*) under the Nuremberg Laws, lived at two addresses in Innsbruck, Austria, between 1916 and 1939. In relation to the circumstances and fate of her grandfather between 1933 and his death in 1941, the Claimant referred to an article by Ernst-August Seyfarth,¹ according to which Ernst von Brücke was a neurophysiologist who was a prominent faculty member at the University of Innsbruck. The article further states that, in

¹ “Ernst Theodor von Brücke (1880-1941) and Alexander Forbes (1882-1965): Chronicle of a Transatlantic Friendship in Difficult Times,” by Ernst-August Seyfarth, *Perspectives in Biology and Medicine*, 40, 1, Autumn 1996.

April 1938, shortly after the incorporation of Austria into the Reich in March 1938 (the “Anschluss”):

Von Brücke was abruptly dismissed from his university position; the reason given by the new Nazi authorities for their action was that von Brücke’s mother, née [REDACTED], and his second wife, Dora Teleky, a well-known Viennese gynecologist, were of Jewish descent.

The article indicates that Alexander Forbes, a fellow neurophysiologist, facilitated Ernst von Brücke’s immigration into the United States, where he had arranged a position for his friend and colleague at the Harvard Medical School. According to the article, after overcoming various difficulties, Ernst von Brücke arrived in the United States on 15 August 1939, just two weeks before the outbreak of the Second World War, and was followed by his wife, Dora, who arrived in New York exactly one month later.

The Claimant indicated that her grandfather passed away less than two years after his arrival in the United States, on 12 June 1941 in Boston, and that her grandfather’s second wife, Dora Brücke-Teleky, died in 1963 near Zurich, Switzerland.

The Claimant submitted numerous documents in support of her claim, including:

- Franz Theodor Ernst von Brücke’s wedding certificate indicating that he married [REDACTED] on 5 April 1905;
- Franz Theodor Ernst von Brücke’s certificate of ancestry, in which the middle name Ernst is underlined, indicating that he was born on 8 October 1880 in Vienna and that, according to the Nuremberg Laws of 14 November 1935, he was classified as a *Mischling* because he had one full-blooded Jewish grandparent;
- Ernst von Brücke’s declaration of intention to be admitted to U.S. citizenship, dated 2 July 1940, indicating that he was born on 8 October 1880 in Vienna, that his last place of residence was Innsbruck, that he married a woman by the name of Dora on 21 March 1930 and that he had four children, namely [REDACTED], who was born on 31 December 1905; [REDACTED], who was born on 15 January 1908; [REDACTED], who was born on 19 January 1910; and [REDACTED] who was born on 17 October 1911;
- Article entitled “The Forbes/von Brücke Affair,” by Herbert F. Voigt and Dana D. Ricciardi, *BMES Bulletin*, Vol. 23, No. 2 1999, which recounts, *inter alia*, that Ernst von Brücke was dismissed from his position at Innsbruck University following the *Anschluss* because of his Jewish descent through the family of his mother and his wife being Jewish.
- Article entitled “Ernst Th. Von Brücke (1880-1941) and Alexander Forbes (1882-1965): Friendship of Two Neuroscientists in Difficult Times,” by Ernst-August Seyfarth, *Thieme Verlag*, Stuttgart 1995;
- Article entitled “Ernst Theodor von Brücke (1880-1841) and Alexander Forbes (1882-1965): Chronicle of a Transatlantic Friendship in Difficult Times,” by Ernst-August Seyfarth, *Perspectives in Biology and Medicine*, 40, 1, Autumn 1996, recounting, *inter alia*, how von Brücke was dismissed from his university position in Innsbruck due to his

mother's and wife's Jewish ancestry and how the efforts of Alexander Forbes "led to the successful rescue of von Brücke and his wife Dora Teleky from Austria in 1939";

- [REDACTED]'s death notice, indicating that her maiden name was Brücke and that her children were [REDACTED 9], [REDACTED 10], [REDACTED 11] and [REDACTED 12];
- [REDACTED]'s certificate of baptism, indicating that her father's surname was von Brücke;
- [REDACTED]'s marriage certificate indicating that her father was Franz Ernst Theodor Brücke;
- [REDACTED]'s death notice, indicating that her maiden name was von Brücke and listing several of the represented parties in this Award among the mourners;
- [REDACTED]'s certificate of inheritance dated 17 September 2001, together with a copy of the will (described in more detail below);
- [REDACTED]'s certificate of birth and baptism, indicating that his father was Franz Theodor Ernst Brücke, a medical doctor and professor at the University of Leipzig, who was born in Vienna on 8 October 1880;
- [REDACTED]'s marriage certificate, indicating that his father was Franz Theodor Ernst Brücke;
- [REDACTED]'s death notice which includes his three children, [REDACTED 6], [REDACTED 7] and [REDACTED 8], among the mourners;
- [REDACTED]'s death certificate, indicating that his father was Dr Franz Theodor Ernst Brücke, whose last residence was in Boston;
- [REDACTED]'s marriage certificate, indicating that his father was Dr Franz Theodor Ernst Brücke;
- Death notice of [REDACTED] ([REDACTED]'s first wife), identifying an "[REDACTED 2]," a "[REDACTED 2]" and a "[REDACTED 3]" as her children, names which correspond to the represented parties [REDACTED 2], [REDACTED 3] and [REDACTED 1] respectively.
- Death notice of Professor [REDACTED], identifying a [REDACTED 4] (his second wife), [REDACTED] (his sister, [REDACTED]), [REDACTED 2] (his daughter, [REDACTED 2]), [REDACTED 1] (his daughter, [REDACTED 1]), [REDACTED 3] (his son) and "[REDACTED 5] (his son [REDACTED 5] by his second wife);
- [REDACTED]'s certificate of his second marriage, indicating that his second wife was [REDACTED 4] and that his father was Dr. Franz Theodor Ernst Brücke, last resident in Boston;
- [REDACTED]'s death certificate indicating that he passed away on 29 January 2000;
- [REDACTED 2]' birth certificate, showing that her father was Dr. [REDACTED];
- [REDACTED 2]' marriage certificate, showing that her father was [REDACTED];

- [REDACTED 3]'s birth certificate, indicating that his father was Dr. [REDACTED];
- [REDACTED 5]'s birth certificate, indicating that his father was Dr. [REDACTED] and that his mother was [REDACTED 4];
- the Claimant's birth certificate, indicating that her father was Dr. [REDACTED];
- the Claimant's marriage certificate, indicating that her father was Dr. [REDACTED];
- [REDACTED 6]'s birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 6]'s marriage certificate, indicating that her father was Dr Franz Theodor Brücke;
- [REDACTED 7]' birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 7]'s marriage certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 8]'s birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 10]'s birth certificate, indicating that her mother was [REDACTED], née [REDACTED];
- [REDACTED 10]'s marriage certificate, indicating that her mother was [REDACTED], née [REDACTED];
- [REDACTED 9]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED];
- [REDACTED 11]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED]; and
- [REDACTED 12]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 12 February 1939 in Innsbruck. The Claimant is representing her sister, [REDACTED 2], who was born on 14 July 1934 in Vienna; her brother, [REDACTED 3], who was born on 30 March 1936 in Innsbruck; her father's second wife, [REDACTED 4], who was born on 7 April 1942 in Graz, Austria; her half-brother, [REDACTED 5], who was born on 30 May 1964 in Graz; her first cousin, [REDACTED 6], who was born on 21 March 1941 in Innsbruck; her first cousin, [REDACTED 7], who was born on 7 September 1942 in Innsbruck; her first cousin, [REDACTED 8], who was born on 15 August 1949 in Innsbruck; her first cousin, [REDACTED 9], who was born on 2 September 1934 in Innsbruck; her first cousin, [REDACTED 10], who was born on 20 April 1936 in Innsbruck; her first cousin, [REDACTED 11], who was born on 18 March 1940 in Innsbruck; and her first cousin, [REDACTED 12], who was born on 3 June 1941 in Innsbruck Zell am See.

Information Available in the Bank's Records

Account Owner Brücke

Demand Deposit Account

The Bank's records consist of a contract dated 21 November 1930 between the Bank and Account Owner Brücke regarding the custody account numbered 31087, described in more detail below; a customer card, and a printout from the Bank's database. According to these records, the Account Owner was Professor Ernst Brücke, who resided at Stiftstrasse 23, Innsbruck. The Bank's records indicate that Account Owner Brücke held a demand deposit account which was opened in 1930. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. The customer card contains a note from 12 July 1938 that in future all deposits and transfers were to be reported by letter to the New York Trust Company in favor of the *Österreichische Kreditanstalt* in Vienna.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's records that Account Owner Brücke or his heirs closed the account and received the proceeds themselves.

Custody Account 31087

The Bank's records consist of an extract from a list entitled "Closing of accounts of clients domiciled in Austria" ("*Auflösung von Depots von in Österreich domizilierten Kundschaft*"); a memorandum dated 17 March 1938, entitled "Receivables and Liabilities in Austria" ("*Forderungen und Verpflichtungen in Oesterreich*"); a law gazette for Austria for the year 1938 ("*Gesetzblatt für das Land Österreich*"); and a printout from the Bank's database. According to these records, the Account Owner was Professor Ernst Brücke who resided in Innsbruck. The Bank's records indicate that Account Owner Brücke held a custody account, numbered 31087, which was opened in 1930 and was transferred to the *Oest. Creditanstalt-Wiener Bankverein* on 24 September 1938. The amount in the account at the date of its transfer was 6,300.00 Swiss Francs ("SF"). There is no evidence in the Bank's records that Account Owner Brücke or his heirs closed the account and received the proceeds themselves.

Account Owner Brücke-Teleky

Custody account 38403

The Bank's records consist of a list of accounts transferred to Austrian or German banks in 1938; an extract from a list entitled "Closing of accounts of clients domiciled in Austria" ("*Auflösung von Depots von in Österreich domizilierten Kunden*"); a memorandum, dated 17 March 1938,

entitled “Receivables and Liabilities in Austria” (“*Forderungen und Verpflichtungen in Oesterreich*”); a law gazette for Austria for the year 1938 (“*Gesetzblatt für das Land Österreich*”); an extract from a list entitled “Closed custody accounts of Austrian clients, the market value of which is still to be calculated” (“*Ausgegangene österreich. Kunden-Depots, deren Kurswert noch zu berechnen ist*”); an extract from a list dated 21 September 1938, entitled “Closed according to discarded Kardex cards” (“*Ausgänge laut abgelegter Kardex-Karten*”); a letter dated 15 August 1963 from the legal department of the Bank entitled “Estate of Dr. med. Dora von Brücke-Teleky” (“*Nachlass Frau Dr. med. Dora von Brücke-Teleky sel*”); and a printout from the Bank’s database. According to these records, the Account Owner was Dora Brücke-Teleky, who resided in Vienna and the Power of Attorney Holders were Ernst Brücke, who resided in Innsbruck and Vienna, and [REDACTED] who resided in Vienna.

The Bank’s records indicate that Account Owner Brücke-Teleky held a custody account, numbered 38403, which was opened in 1935 and which was labelled closed on 25 July 1938 after the funds were repatriated to Austria. The document entitled “Closed custody accounts of Austrian clients, the market value of which is still to be calculated” indicates that the amount in the account as at 28 July 1938 was SF 16,640.00. This entry is accompanied by a handwritten note dated 30 May 1938 which states that the securities had been surrendered (“*Titel ausgeliefert*”), and another one dated 14 July 1938 which states that gold coins had been sent to the Main Office of the *Reichsbank* in Vienna on 14 July 1938 (“*Goldmünzen an Reichsbankhauptstelle Wien gesandt 14.7.38*”).

The letter, dated 15 August 1963, from the Bank’s legal department entitled “Estate of Dr. med. Dora von Brücke-Teleky” indicates that the last executor of the will, a Mr Albert Hauser, had contacted the Bank, was accepted by the Bank, and was provided with full information about the balance of another, then still open, account owned by the late account owner (deposit passbook, numbered 829868). The letter did not mention the custody account closed in 1938 and the ICEP Investigation concluded that, as the reason for closure was the repatriation of funds to Austria and it is not known whether Account Owner Brücke-Teleky or her heirs received restitution, this account remained reviewable.

There is no evidence in the Bank’s records that Account Owner Brücke-Teleky, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

Demand Deposit Account

The ICEP Investigation did not report a demand deposit account belonging to Account Owner Brücke-Teleky. Rather, the existence of this account is based on information contained in the records of the Austrian State Archive, which is described in detail below.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian

State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. med. Dora Brücke (also referred to as Dr. Brücke-Teleky in some documents), numbered 7956, and concerning the assets of Dr. Ernst Brücke, numbered 5700. The records indicate that Dr. Brücke-Teleky was born on 5 July 1879, that she was married to University Professor, Dr. Ernst (von) Brücke, and that she was a specialist gynecologist and obstetrician (“*Fachärztin für Frauenkrankheiten und Geburtshilfe*”), which she practised at the former (“*ehem.*”) Dollfußplatz 4, Vienna IX (amended in handwriting to Hermann Goering Platz 4). In her declaration, Dr. Brücke-Teleky gave this address as both her residential and professional address, whereas she gave Stiftgasse 23, Innsbruck as the address of her husband, whom she identified as being protestant (“*evangelisch*”).

In an attachment Dr. Brücke-Teleky elaborated on her husband’s religion, noting that Dr Ernst Brücke’s status according to the Nuremberg Race Laws (“*Reichsbürgergesetz*”) had not yet been clarified. She noted that it was certain that her husband’s father was German and that one of his mother’s grandparents was Jewish but that the question as to whether his mother’s father (his grandfather) was Jewish was yet to be decided by the relevant authorities. In summary, Dr. Brücke stated that her husband was either a *Mischling* of the first or second degree.²

The file further contains a series of letters from late 1938 and early 1939 regarding certain foreign securities that Dr. Brücke-Teleky was expected to “offer” to the Nazi authorities in Vienna. One letter, dated 2 November 1938, from the Main Office of the *Reichsbank* (*Reichsbankshauptstelle*) to the Property Control Office (*Vermögensverkehrsstelle*), noted that the sale of these securities had been delayed because Dr. Brücke-Teleky’s legal representative, Mr. Bohnert, had not been able to contact her. The letter further stated that, however, Dr. Brücke-Teleky’s whereabouts had since been ascertained and that she was living in Milan, Italy.

According to an investigation report, dated 10 January 1939, and included in the file, Dr. Brücke-Teleky departed Austria for Milan on 16 August 1938. The report stated that, Dr. Brücke-Teleky’s former housekeeper, who was still living in her former-employer’s apartment, showed the authorities the tax clearance that Dr. Brücke-Teleky had received from the fiscal authorities (*Finanzamt*) on 12 July 1938 which allowed her to depart Austria.

The file also contains a letter, dated 20 January 1939, from Dr. Brücke-Teleky’s husband, Professor Ernst Brücke, to the *Vermögensverkehrsstelle*, in which he stated that in the past few years he had only occasionally seen his wife, with whom he had never shared a residence, and that therefore he did not know where she was currently residing. Dr. Brücke-Teleky indicated that he last heard of his wife through a message from one of her friends that Dr. Brücke-Teleky had moved to her sister’s house in Zurich, Switzerland.

Finally, the records also refer to a demand deposit account held at the Bank, which had a balance of SF 448.00. The records do not indicate when the account at issue was closed, or to whom it

² According to an Interior Ministry ruling on the Nuremberg Laws, a person descended from two Jewish grandparents, who neither adhered to the Jewish religion nor was married to a Jew from 15 September 1935 (the date the laws came into effect) was classified as a *Mischling* of the first degree. A *Mischling* of the second degree was a person with only one Jewish grandparent.

was paid. There is no evidence in Dr Brücke-Teleky's file that either Dr. Brücke-Teleky or her heirs closed the account and received the proceeds themselves.

The 1938 Census file of Dr. Ernst Brücke in the Austrian State Archive, numbered 5700, notes that its content was transferred to the Nieder-Donau region and records only his file number, his name (which is misspelled Brückl), his date of birth and address. The records confirm that he was born on 8 October 1880 and lived at Stiftgasse 23, Innsbruck. The records make no mention of an account or accounts held at a Swiss Bank.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of Account Owner Brücke. In addition, the Claimant identified the published name of her grandfather's second-wife, Account Owner Brücke-Teleky. The Claimant also identified the Account Owners' respective titles and the relationship between them, which matches unpublished information about the Account Owners contained in the Austrian State Archive records.

In support of her claim, the Claimant submitted documents, including:

- Franz Theodor Ernst von Brücke's wedding certificate indicating that he married [REDACTED] on 5 April 1905;
- Franz Theodor Ernst von Brücke's certificate of ancestry, indicating that he was born on 8 October 1880 in Vienna and that, according to the Nazi citizenship law of 14 November 1935, he was classified as *Mischling* because he had one full-blooded Jewish grandparent;
- Ernst von Brücke's declaration of intention to be admitted to U.S. citizenship, dated 2 July 1940, indicating that he was born on 8 October 1880 in Vienna, that his last place of residence was Innsbruck, and that he married a woman by the name of Dora on 21 March 1930;
- [REDACTED]'s certificate of baptism, indicating that her father's surname was von Brücke;
- [REDACTED]'s marriage certificate indicating that her father was Franz Ernst Theodor Brücke;
- [REDACTED]'s certificate of birth and baptism, indicating that his father was Franz Theodor Ernst Brücke, a medical doctor and professor at the University of Leipzig, who was born in Vienna on 8 October 1880;
- [REDACTED]'s marriage certificate, indicating that his father was Franz Theodor Ernst Brücke;

- [REDACTED]'s death certificate, indicating that his father was Dr Franz Theodor Ernst Brücke, who was last resident in Boston, the United States; and
- [REDACTED]'s marriage certificate, indicating that his father was Dr Franz Theodor Ernst Brücke.

These documents provide independent verification that the persons who are claimed to be the Account Owners had the same name and resided in the same city as the name and city of residence of the Account Owners recorded in the Bank's records.

The CRT notes that the Claimant did not identify the address given in the Austrian State Archive records as the address of Account Owner Brücke. However, given that the Claimant was born in 1939 and never knew her grandfather (who emigrated to the United States that year and died two years later) and therefore would be unlikely to have full knowledge of her grandfather's address details, and given that the Claimant has identified unpublished information about Account Owner Brücke, the CRT concludes that this does not materially affect the Claimant's identification of Account Owner Brücke.

The CRT further notes that several of the documents described above indicate that the Claimant's grandfather's first name was Franz and that Ernst was only one of his middle names. However, given that several documents and articles submitted by the Claimant refer to Ernst as Account Owner Brücke's first name; that the middle name Ernst is underlined in his certificate of ancestry, the CRT concludes that it is likely that Account Owner Brücke was commonly known by his middle name, Ernst.

The CRT also notes that the Claimant did not identify the second Power of Attorney Holder to Dora Brücke-Teleky's custody account, namely [REDACTED]. However, given that [REDACTED] appears to be related to Account Owner Brücke's second wife Account Owner Brücke-Teleky, with whom Account Owner Brücke's children by his first wife, who were grown up at the time their father remarried in 1930, never lived with and therefore may not have full knowledge about her relatives; and that the Claimant identified unpublished information about the Account Owners, the CRT finds that this does not materially affect the Claimant's identification of the Account Owners.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Brücke was Jewish and the Austrian State Archive Records relating to Dora Brücke-Teleky as well as articles submitted by the Claimant confirm that he was regarded as a *Mischling* by Nazi authorities. These records and articles also confirm that Account Owner Brücke-Teleky was Jewish. The Claimant indicated that the Account Owners fled Austria because of Nazi persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she and the represented parties are related to the Account Owner Brücke by submitting specific information and documents, demonstrating that the Account Owner Brücke was the Claimant's grandfather. These documents include:

- Franz Theodor Ernst von Brücke's declaration of intention to be admitted to U.S. citizenship, dated 2 July 1940, indicating that he had four children, namely [REDACTED], [REDACTED], [REDACTED] and [REDACTED];
- [REDACTED]'s death notice, indicating that her maiden name was Brücke and that her children were [REDACTED 9], [REDACTED 10], [REDACTED 11] and [REDACTED 12];
- [REDACTED]'s certificate of baptism, indicating that her father's surname was von Brücke;
- [REDACTED]'s marriage certificate indicating that her father was Franz Ernst Theodor Brücke;
- [REDACTED]'s death notice, indicating that her maiden name was von Brücke and listing several of the represented parties to this Award among the mourners;
- [REDACTED]'s certificate of birth and baptism, indicating that his father was Franz Theodor Ernst Brücke;
- [REDACTED]'s marriage certificate, indicating that his father was Franz Theodor Ernst Brücke;
- [REDACTED]'s death notice which includes his three children, [REDACTED 6], [REDACTED 7] and [REDACTED 8], among the mourners;
- [REDACTED]'s death certificate, indicating that his father was Dr Franz Theodor Ernst Brücke;
- [REDACTED]'s marriage certificate, indicating that his father was Dr Franz Theodor Ernst Brücke;
- Death notice relating to death of [REDACTED] ([REDACTED]'s first wife), identifying an "[REDACTED 2]," a "[REDACTED 3]" and a "[REDACTED 1]" as her children, names which correspond to the represented parties [REDACTED 2], [REDACTED 3] and [REDACTED 1] respectively.
- Death notice relating to the death of Professor [REDACTED], identifying a [REDACTED 4] (his second wife), [REDACTED] (his sister, [REDACTED]), [REDACTED 2] (his daughter, [REDACTED 2]), [REDACTED 1] (his daughter, [REDACTED 1]), [REDACTED 3] (his son) and "[REDACTED 5] (his son [REDACTED 5] by his second wife);
- [REDACTED]'s marriage certificate, indicating that he was married for the second time to [REDACTED 4] and that his father was Dr. Franz Theodor Ernst Brücke;
- [REDACTED 2]' birth certificate, showing that her father was Dr. [REDACTED];

- [REDACTED 2]' marriage certificate, showing that her father was [REDACTED];
- [REDACTED 3]'s birth certificate, indicating that his father was Dr. [REDACTED];
- [REDACTED 5]'s birth certificate, indicating that his father was Dr. [REDACTED] and that his mother was [REDACTED 4];
- the Claimant's birth certificate, indicating that her father was Dr. [REDACTED];
- the Claimant's marriage certificate, indicating that her father was Dr. [REDACTED];
- [REDACTED 6]'s birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 6]'s marriage certificate, indicating that her father was Dr Franz Theodor Brücke;
- [REDACTED 7]' birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 7]'s marriage certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 8]'s birth certificate, indicating that her father was Dr. Franz Theodor Brücke;
- [REDACTED 10]'s birth certificate, indicating that her mother was [REDACTED], née [REDACTED];
- [REDACTED 10]'s marriage certificate, indicating that her mother was [REDACTED], née [REDACTED];
- [REDACTED 9]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED];
- [REDACTED 11]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED]; and
- [REDACTED 12]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED].

There is no information to indicate that the Account Owners have surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

With respect to the demand deposit account held by Account Owner Brücke, the CRT notes that, given that Account Owner Brücke fled Austria in 1939; that there is no record of the payment of the Account Owner Brücke's account to him; that Account Owner Brücke and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 Account Owner Brücke 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.

With respect to the custody account, numbered 31087, held by Account Owner Brücke and the custody account, numbered 38403, owned by Account Owner Brücke-Teleky, the CRT notes that the Bank’s records indicate that the accounts were transferred to Austria and/or paid to Nazi authorities. With regard to the demand deposit account held by Account Owner Brücke-Teleky, the CRT notes that the facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT’s precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that Account Owner Brücke-Teleky reported the accounts in her 1938 Census declaration; that Account Owner Brücke-Teleky lived in Austria until she fled to Italy and then to the United States, and therefore could not have repatriated the account without losing ultimate control over its proceeds; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Brücke-Teleky or her 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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that Account Owner Brücke was her grandfather and that Account Owner Brücke-Teleky was her grandfather’s second wife and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holders nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Brücke held one demand deposit account and one custody account. With respect to the demand deposit account, 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was SF 2,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of SF 26,750.00 for this account.

With respect to the custody account numbered 31087, the Bank’s records indicate that the value of the custody account as of 24 September 1938 was SF 6,300.00. According to Article 29 of the

Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. 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 an amount of SF 162,500.00 for this account.

In this case, Account Owner Brücke-Teleky held one demand deposit account and one custody account. With respect to the custody account, numbered 38403, the Bank's records indicate that the value of the custody account as of 25 July 1938 was SF 16,640.00. The current value of the amount of this account is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules to produce an amount of SF 208,000.00 for this account.

With regard to the demand deposit account held by Account Owner Brücke-Teleky, the CRT notes that, in the 1938 Census declaration submitted by Account Owner Brücke-Teleky, the value of Account Owner Brücke-Teleky's demand deposit account is specified as SF 448.00 as at 27 April 1938. The CRT determines that it is unable to rely on the balance amounts declared in the 1938 Census as it has no evidence regarding the circumstances of Account Owner Brücke-Teleky's declaration. The CRT notes that, as evidenced in a number of cases, Account Owner Brücke-Teleky may not have declared all of her assets, or understated their value, in the belief that this might help her safeguard some of them. Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. In this case, the CRT does not find that the value of the account indicated in Account Owner Brücke-Teleky's 1938 Census declaration constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of Account Owner Brücke-Teleky's demand deposit account shall be determined to be SF 2,140.00. The current value of the amount of this account 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 an amount of SF 26,750.00 for this account.

Accordingly, the total award amount in this case is SF 424,000.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim in equal shares by representation. In this case, the Claimant is representing her two siblings, [REDACTED 2] and [REDACTED 3], and her half-sibling, [REDACTED 5], all of whom are descendants of Account Owner Brücke's son, [REDACTED]. The Claimant is also representing the offspring of the Account Owner's son, [REDACTED] (and the Claimant's cousins), namely [REDACTED 6], [REDACTED 7] and [REDACTED 8], as well as the offspring of the Account Owner's daughter, [REDACTED], née [REDACTED] (and the Claimant's cousins), namely [REDACTED 9], [REDACTED 10], [REDACTED 11] and [REDACTED 12].

Account Owner Brücke's daughter, [REDACTED], did not have any children but, according to the terms of her will, certified by the District Court of Zell am See in Austria, and submitted by the Claimant, [REDACTED] bequeathed all liquid funds and securities, stocks and bonds ("*Wertpapiere*") to her niece, [REDACTED 1] (the Claimant) under the proviso that, once funeral costs and inheritance taxes were paid, the Claimant should give half the remaining amount to [REDACTED 6], one of the represented parties. Hence, the CRT determines that the Claimant and [REDACTED 6] are entitled to share equally [REDACTED]'s one-quarter share of the total award amount.

The CRT notes that the second wife of Account Owner Brücke's son, [REDACTED 4], is one of the represented parties in this Award. The CRT notes that, pursuant to Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased, that child's spouse but none of the child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner for the purposes of this Article. The CRT determines that this article does not apply in this case because the [REDACTED]'s son by his second marriage, namely [REDACTED 5], is one of the represented parties. Therefore, [REDACTED 4] is not entitled to any of the award amount.

The CRT further notes that neither the Claimant nor any of the represented parties are related to Account Owner Brücke-Teleky. In this case article 23(1)(g) of the Rules applies, namely, if none of the persons entitled to an award pursuant to Article 23(1) (a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. Given that none of the heirs of Account Owner Brücke-Teleky has submitted a claim and that the Claimant's and the represented parties' grandfather, Account Owner Brücke, was married to Account Owner Brücke-Teleky and held Power of Attorney over one of her accounts, the CRT determines that it would be consistent with the principles of fairness and equity to divide her accounts according to the same criteria as apply to the division of the accounts of Account Owner Brücke.

Accordingly, the CRT determines that the Claimant and the represented parties are entitled to the following portions of the total award amount:

The Claimant:	three-sixteenths;
[REDACTED 2]:	one-sixteenth;
[REDACTED 3]:	one-sixteenth;
[REDACTED 5]:	one-sixteenth;
[REDACTED 6]:	five-twenty-fourths;
[REDACTED 7]:	one-twelfth;
[REDACTED 8]:	one-twelfth;
[REDACTED 9]:	one-sixteenth;
[REDACTED 10]:	one-sixteenth;
[REDACTED 11]:	one-sixteenth;
[REDACTED 12]:	one-sixteenth.

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
21 September 2005

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