

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Klaus Rosenstern
also acting on behalf of Franz Joseph Rosenstern

in re Account of H. Daniels

Claim Number: 207985/SH

Award Amount: 13,464.00 Swiss Francs

This Certified Award is based upon the claim of Klaus Rosenstern (the “Claimant”) to the account of Paul Rosenstern. This Award is to the unpublished account of H. Daniels (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).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 his mother, Hilde Rosenstern, née Daniels, who was born on 2 August 1900 in Germany, was married to Paul Rosenstern, and resided in Mernerstrasse 12 in Berlin, Germany until 1936. The couple had two children, Franz and Klaus. The Claimant stated that his father was a banker and the manager of the Berlin office of *S. Jaffett and Co.*, a British investment bank. According to the Claimant, in the late 1920s, Paul Rosenstern purchased the Berlin branch and continued to operate it under the name *S. Jaffett Company Bank*, while he held a seat on the Berlin Stock Exchange. The Claimant further stated that the family fled Germany in the mid-1930s, going first to England, and then to the United States in 1939. According to the Claimant, prior to leaving Germany, Paul Rosenstern transferred his money into a Swiss bank account. The Claimant further stated that, after the end of the Second World War, Paul Rosenstern unsuccessfully tried to collect the money through the German Consulate in Chicago. The Claimant stated in a telephone conversation with the CRT that, prior to the War, his mother’s family owned a business for silk products in Germany. The Claimant further stated that his mother’s entire family perished in the Theresienstadt concentration camp. The Claimant indicated that his mother died in Chicago, Illinois, the United States, in 1964, and that his father died there on 19 May 1959. The Claimant submitted a copy of the wills of both of his parents.

The Claimant indicated that he was born on 9 May 1926 in Berlin. The Claimant is representing Franz Joseph Rosenstern, his brother, who was born on 2 August 1922 in Berlin.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was H. Daniels. The bank records indicate that the Account Owner held an account of unknown type, which was suspended on an unknown date. The balance in the account on 19 June 1998 was 217.00 Swiss Francs. The account remains open and dormant today.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's maiden name was Hilde Daniels, which matches the unpublished information about the Account Owner contained in the bank record. The account of H. Daniels was not published on the February 2001 list of accounts determined by ICEP to probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The submission of this claim without the benefit of the inclusion of his mother's name on a published list of accounts indicates the Claimant had reason to believe that his mother owned a Swiss bank account based on his own personal knowledge. This supports the credibility of the information provided by the Claimant. In support of his claim, the Claimant submitted documents, including his parents' wills. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. The CRT further notes that the one other claim to this account was disconfirmed.

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 was forced to flee Germany to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his mother's will and a family tree, demonstrating that the Account Owner was his mother.

The Issue of Who Received the Proceeds

The bank record indicates the account remains open and dormant.

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. 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 unknown account as of 19 June 1998 was 217.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 905.00 Swiss Francs, which reflects standardized bank fees charged to the unknown type of account between 1945 and 1998. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 1,122.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 37(1) of the Rules. Consequently, the total award amount is 13,464.00 Swiss Francs.

Division of the Award

The Claimant is representing his brother, Franz Rosenstern, in these proceedings. According to Article 29 (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. Therefore, the Claimant and his brother are each entitled to receive one-half of any payment made to the Claimant.

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

November 26, 2002