

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2], née [REDACTED]

([REDACTED 1] acting on behalf of herself and of [REDACTED];
[REDACTED], née [REDACTED]; [REDACTED] and [REDACTED])

in re Account of Josef Drechsler

Claim Numbers: 210685/MBC; 219008/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 2], née [REDACTED] ("Claimant [REDACTED 2]") and [REDACTED 1] ("Claimant [REDACTED 1]"), acting on behalf of herself, her mother [REDACTED], her siblings, [REDACTED], né [REDACTED], [REDACTED] and [REDACTED], née [REDACTED], to the account of Josef Drechsler (the "Account Owner") at the Zurich branch of the [REDACTED] (the "Bank").

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

Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2], who are cousins, submitted Claim Forms indicating that the Account Owner was their paternal grandfather, Josef Drechsler, who was born on 11 March 1887 in Pilsen, Kamarovy, Czechoslovakia, and was married to [REDACTED] in Prague, Czechoslovakia on 25 November 1919. The Claimants stated that their grandfather, who was Jewish, perished in a concentration camp in Poland in 1942. Each of the Claimants submitted a detailed family tree, indicating that their grandfather and his wife had two children, [REDACTED], who was the father of Claimant [REDACTED 1], and [REDACTED], who was the father of Claimant [REDACTED 2]. The Claimants submitted further that [REDACTED] married [REDACTED], with whom he had four children, [REDACTED], [REDACTED], [REDACTED] and [REDACTED], and that [REDACTED] married [REDACTED], with whom he had two children, [REDACTED] and [REDACTED].

According to the Claimants, their grandfather was a Czech businessman who owned the company *Bratri/Brüder Drechsler*, located in Ujezd and Meclov in Czechoslovakia. The Claimants further

indicated that their grandfather lived in Pilsen, Czechoslovakia, for most of his life and also had business addresses in other cities in Czechoslovakia and in Germany. Claimant [REDACTED 1] stated that she was born on 25 July 1958 in Dublin, Ireland, and Claimant [REDACTED 2] stated that she was born on 22 August 1959 in Burbank, California, USA.

By letter dated 9 January 2002, Claimant [REDACTED 1] indicated that the Account Owner had an address in Prague between approximately 1939 and 1941, and that the company [REDACTED] was originally established in Berlin in 1920 and was transferred to Dresden in 1927. In support of their claims, the Claimants submitted various documents, including their grandfather's inheritance certificate and [REDACTED] and [REDACTED] birth certificates.

Information Available in the Bank Records

According to the bank records, the Account Owner was Josef Drechsler, who lived in Teplitz-Schönau (today Teplice) in Czechoslovakia. The records further indicate that the Account Owner held a demand deposit account with the Bank, which was opened on 31 May 1938 and was closed on 20 June 1946. The bank documents do not contain the values of the account, and they do not show to whom the account was paid. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 discretion of the Claims Judges. In this case, the CRT determines it appropriate to join the claims of [REDACTED 1] and of [REDACTED 2], née [REDACTED], in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their grandfather's name matches the published name of the Account Owner, and the Claimants have submitted documents showing that their grandfather had numerous private and professional addresses in Czechoslovakia and Germany before and during the Second World War. Specifically, the Claimants' grandfather had addresses in Pilsen, Meclov, Ujezd, Metzling and Prague in Czechoslovakia, as well as in Berlin and Dresden in Germany. A document submitted by Claimant [REDACTED 1] further indicates that the company [REDACTED] had representatives and stores in Geneva, Frankfurt, Krakow, Nice, Amsterdam, Hamburg, Budapest and Vienna. Although neither of the Claimants provided the unpublished place of residence of the Account Owner shown in the bank records (Teplitz-Schönau, Czechoslovakia), the CRT determines that it is plausible that the Claimants' grandfather and the Account Owner are the same person.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. The Claimants have shown that the Account Owner was Jewish and was deported to a concentration camp in Poland, where he perished in 1942.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly shown that the Account Owner is their paternal grandfather by providing documentation including detailed family trees and various identity and inheritance documents demonstrating that they are the granddaughters of the Account Owner.

The Issue of Who Received the Proceeds

Based on its precedent and the Rules, the CRT applies presumptions to determine whether Account Owners or their heirs received the proceeds of their accounts. These presumptions are contained in Appendix A.¹ The CRT concludes in this case that Presumption (j) applies and it is therefore plausible that the account proceeds were not paid to the Account Owner or his heirs.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandfather, 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

Pursuant to Article 35 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 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 16,692.00 Swiss Francs.

¹ An expanded version of Appendix A appears on the CRT II website -- www.crt-ii.org.

Division of the Award

According to the principles of distribution set forth in Article 29(1)(c) of the Rules, the Award is divided among any of the Account Owner's children or their descendants who have submitted claims to the account, but where, as here, the spouse of a child has submitted a claim, and children of the Account Owner's child have also submitted claims, the spouse will not share in the award. [REDACTED], née [REDACTED], is therefore not entitled to a share of the award. The Claimants are therefore entitled to the following shares of the Award:

- [REDACTED 1] (Claimant [REDACTED 1]): one-eighth (1/8)
- [REDACTED], née [REDACTED]: one-eighth (1/8)
- [REDACTED], née [REDACTED]: one-eighth (1/8)
- [REDACTED]: one-eighth (1/8)
- [REDACTED 2], née [REDACTED]
(Claimant [REDACTED 2]): one-half (1/2).

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 claims 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.

Claims Resolution Tribunal
October 3, 2002