

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Kurt Egger**

Claim Number: 223845/AY

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Kurt Egger (the “Account Owner”) at the Schaffhausen branch of 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 the Account Owner as his paternal uncle, Kurt ([REDACTED]) Egger, who was born to [REDACTED] and [REDACTED], née [REDACTED], in 1909, in Velke Karlovice, Czechoslovakia. The Claimant indicated that his uncle was a sales assistant who lived at 868 Poraskova Street, Frydek Mistek, Czechoslovakia, between 1930 and 1939. According to the Claimant, his uncle, who was Jewish, escaped from Czechoslovakia when the Nazis occupied it and joined Czechoslovakian troops within the Russian army. The Claimant provided a letter from the Czechoslovakian Ministry of Defense, addressed to [REDACTED], the Claimant’s grandfather, indicating that [REDACTED] fought for the independence of Czechoslovakia and died in the battle of Sokolov on 8 March 1943. The Claimant stated that his father, [REDACTED] ([REDACTED]) [REDACTED], was a salesperson who often traveled to Switzerland and that his grandfather, [REDACTED], worked for the national transportation office and was often on duty in different countries, mainly Switzerland. The Claimant further stated that his father was murdered in Auschwitz in 1941 and that his grandparents were murdered in Theresienstadt in 1941. In support of his claim the Claimant submitted numerous documents indicating the names of his relatives including his birth certificate, his father’s birth certificate and his parents’ marriage certificate. The Claimant also submitted a post card sent by [REDACTED] to his wife and his father from Auschwitz and a telegram sent by a Nazi official from Auschwitz to the Claimant’s mother confirming [REDACTED]’s death. The Claimant indicated that he was born on 5 July 1938 in Frydek Mistek.

The Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father and his grandfather, [REDACTED] ([REDACTED]) and [REDACTED] of Czechoslovakia.

### **Information Available in the Bank Records**

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Kurt Egger. The bank record indicates that the Account Owner held one account of an unknown type. The bank record also indicates that this account was transferred on 17 November 1987 to a collective account for administrative purposes and remains open. The amount in the account on the date of its transfer was 5.80 Swiss Francs. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name matches the published name of the Account Owner. The CRT notes that the bank record does not contain any specific information about the Account Owner other than his name. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father and grandfather, [REDACTED] ([REDACTED]) and [REDACTED] of Czechoslovakia, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant had reason to believe that one of his paternal relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Kurt Egger, and indicates that he resided in Czechoslovakia, which matches the unpublished 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. Finally, the CRT notes that there are no other claimants to this account.

#### 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, that he escaped Czechoslovakia after the Nazis occupied it, and that he died fighting against the Nazis in 1943. As noted above, a person named Kurt Egger was included in the CRT's database of victims.

### 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 the birth certificates of the Claimant and the Claimant's father, the marriage certificate of the Claimant's grandfather, and a certificate from the Czechoslovakian Ministry of Defense demonstrating that the Account Owner was his uncle. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank record indicates that the account was transferred to a collective account on 17 November 1987 and 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 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. The bank record indicates that the value of the account as of 17 November 1987 was 5.80 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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 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  
April 24, 2003