

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1],¹
represented by [REDACTED] and [REDACTED],
and to Claimant [REDACTED 2]

in re Account of Jules Ehrenfeld

Claim Numbers: 215895/HS and 218379/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), and [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), (together the “Claimants”) to the published account of Jules Ehrenfeld (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).

All awards are published. Where the claimants have not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimants

Claimant [REDACTED 2] and Claimant [REDACTED 1], who stated that they are cousins, each submitted a Claim Form identifying the Account Owner as their paternal uncle, Jules Arnold Ehrenfeld, who was born in approximately 1900 in Senec, formerly in Hungary, to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED], née [REDACTED], in Slazany, Czechoslovakia. The Claimants stated that their uncle had two children, [REDACTED] and [REDACTED], who were born in Bratislava, Czechoslovakia. According to the Claimants, their uncle was a partner in the family’s wholesale grain business, *Joseph Ehrenfeld and Sons*, located in Senec. The Claimants further stated that their uncle often traveled to Switzerland on business, and that he resided in Budapest, Hungary, at Andrassy Ut, and in Senec, at Rakoczi Utca. The Claimants indicated that their uncle, who was Jewish, perished in a concentration camp in 1944 or 1945, and that his wife and children also perished in a concentration camp.

Claimant [REDACTED 2] submitted her own birth and marriage certificates, which together indicate that she was born in 1924 in Senec, where her parents resided at that time, that she

¹ Claimant [REDACTED 2]’S daughter, [REDACTED], advised the CRT that Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) passed away on 18 April 2002, and stated that she wished to pursue Claimant [REDACTED 1]’s claim on behalf of Claimant [REDACTED 1]’s Estate. [REDACTED] provided the CRT with a copy of Claimant [REDACTED 1]’s death certificate, and a form, dated 4 June 1985, in which Claimant [REDACTED 1] granted general power of attorney to [REDACTED].

resided in Senec when she was married in 1946, and that her father's name was [REDACTED].

Claimant [REDACTED 1] submitted her own birth and marriage certificates, which together indicate that she was born in Preselany, Czechoslovakia,² in 1924, that she resided in Senec when she was married in 1947, and that her father's name was [REDACTED]. Additionally, Claimant [REDACTED 1]'s daughter, [REDACTED], submitted Claimant [REDACTED 1]'s death certificate, which indicates that Claimant [REDACTED 1] was born in Preselany, was married in Senec, and that her father's last name was [REDACTED].

Finally, in a letter to the CRT, dated 13 May 2004, [REDACTED] indicated that she and Claimant [REDACTED 2] are unable to provide additional information regarding the Claimants' uncle.

Claimant [REDACTED 2] indicated that she was born on 29 December 1924. Claimant [REDACTED 1] indicated that she was born on 4 December 1924.

Information Available in the Bank's Records

The Bank's record originally made available to the CRT consists of a printout from the Bank's database. On 13 April 2004, the Bank provided an additional record to the CRT, consisting of an account registry card. These records indicate that the Account Owner of a demand deposit account was Jules Ehrenfeld of Budapest, Hungary. The account registry card contains the date of 27 March 1940 in a column marked "open" ("*Ouvert*") and indicates that the account was closed on 15 May 1940, at which time the account was transferred to the Bank's suspense account for missing account owners with a balance of 142.20 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 ("ICEP" or the "ICEP Investigation") did not identify 27 March 1940 as the date of opening of the account at issue.³ According to these auditors, the account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims submitted by Claimant [REDACTED 2] and Claimant [REDACTED 1] in one proceeding.

² The CRT notes that Senec, Slazany, Bratislava, and Preselany are now located in the Slovak Republic.

³ The CRT notes that the Bank would not have identified an account as belonging to an account owner who was missing unless there was a period of inactivity on the account. Accordingly, the date of 27 March 1940 on the account registry card unlikely refers to the actual opening date of the demand deposit account and may simply reflect the Bank's notation of an account that was open but dormant. This conclusion is consistent with the fact that the ICEP auditors did not identify this date as the opening date of the demand deposit account.

Identification of the Account Owner

The Claimants' uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimants provided detailed information about the Account Owner, including the name of the street where the Account Owner resided in Budapest, his profession, and the names of his parents, wife, and children. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and city and country of residence.

The Claimants stated that the Account Owner resided in Senec in addition to Budapest, and provided documents, including the Claimants' own birth and marriage certificates, indicating that members of the Ehrenfeld family resided in Senec, which is approximately 150 kilometers from Budapest. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

The CRT notes that the name Jules Ehrenfeld appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that the Account Owner, his wife, and his two children perished in a concentration camp.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information showing that the Account Owner was the brother of the Claimants' fathers; this information includes the names of people in the Account Owner's immediate family, the locations of the Account Owner's birth, marriage, and residence, and his profession. The CRT further notes that the Claimants submitted their own birth and marriage certificates, which indicate that the Claimants' fathers bore the family name Ehrenfeld and that members of the Ehrenfeld family resided in Senec, which the Claimants have identified as the birthplace of the Account Owner and as one of his residences.

Finally, the CRT notes that the foregoing information is of the type that family members would possess, that this information indicates that the Account Owner was well known to the Claimants as a family member, and that this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation determined that on 15 May 1940 the account was transferred to a suspense account for missing account owners, where it remains.

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 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 15 May 1940 was SF 142.20. According to Article 29 of the Rules, if the amount in a demand deposit account was 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. 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. Consequently, the total award amount in this case is SF 26,750.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 2] and the Estate of Claimant [REDACTED 1] are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 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
13 July 2004