

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Fred. Ernst**

Claim Number: 219832/ES

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Fred. Ernst (the “Account Owner”) at the Zurich 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 father, Frederick (Friedrich, Fritz, Fred) Ernst, who was born on 17 December 1901 in Vienna, Austria, and was married to [REDACTED] on 9 February 1930 in Vienna. The Claimant stated that his father, who was Jewish, was a wealthy businessman and the manager at the insurance company *Zum Jupiter* in Austria until 1938, when all his assets were confiscated by the Nazi authorities. The Claimant stated that in 1938, he, his parents and his younger sister [REDACTED] fled to Switzerland. The Claimant stated that his parents lived at Zurflüh Rainistrasse 2 in Zurich, Switzerland, while he and his younger sister were sheltered in the countryside until they were accepted into the [REDACTED] family home in Erlenbach, a suburb of Zurich. According to the Claimant, his father received visas for the family to go to the United States in 1940, and the entire family went to New York. The Claimant stated that his father died on 26 December 1974 in Washington, D.C.. The Claimant submitted documents, including his father’s birth certificate, his parents’ marriage and United States naturalization certificates, his and his parents’ Austrian passports dated in 1938 and stamped with a “J” for Jew, his birth certificate and a postcard addressed to his father in Zürich. The Claimant indicated that he was born on 25 November 1931 in Vienna.

## **Information Available in the Bank Record**

The bank record consists of an extract from a suspense account ledger. According to this record, the Account Owner was Fred. Ernst. The record does not indicate the Account Owner's domicile. The bank record also indicates that the Account Owner held an account of unknown type, which was transferred to a suspense account on 13 January 1949, with a balance of 40.80 Swiss Francs. The bank record indicates that the account was closed by the Bank on 29 March 1960 due to the imposition of fees and charges.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. The Claimant has identified his father's connection to Zurich, Switzerland, which is consistent with unpublished information about the Bank's branch where the account was located. In support of his claim, the Claimant submitted documents, including a postcard addressed to his father in Zurich; copies of his father's birth certificate; and his parents' marriage certificate, passports and United States naturalization certificates. The CRT further notes that there are no other claimants to the account.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has plausibly shown that the Account Owner was Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and was living in Vienna, Austria until the *Anschluss* in March 1938, at which time his assets were confiscated by the Nazi authorities and he fled with his family to Switzerland 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 demonstrating that the Account Owner was his father. The Claimant stated that he is the Account Owner's only surviving heir.

### The Issue of Who Received the Proceeds

The bank records indicate the account was closed on 29 March 1960 by the Bank as a result of the imposition of bank fees and charges.

### 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 father, 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 account.

#### Amount of the Award

In this case, the Account Owner held one account of an unknown type. The bank record indicates that the value of the demand deposit account as of 13 January 1949 was 40.80 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00, 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 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 21, 2003