

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Paul Frankenberg

Claim Number: 212179/ES

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Paul Frankenberg (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 her father, Paul Frankenberg, who was born on 4 March 1891 in Bigge, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that between 1930 and 1939 her father resided at Eisenbahnstrasse 56 in Berlin, and that he was a banker and the owner of the *Paul Frankenberg Bankgeschäft* at Burgstrasse 27 in Berlin C2, Germany. The Claimant stated that her parents traveled several times to Switzerland in the 1930s. The Claimant further stated that her family fled Germany for Sweden in January 1939. They stayed in Sweden until August 1939 and then fled for Canada, where they settled and where the Claimant’s father died on 26 November 1944. The Claimant finally stated that her father, who was Jewish, had to pay *Reichsfluchtsteuer* (“flight taxes”) to be able to flee Germany in 1939, and that he had to turn over his business and most of his assets to the Nazi authorities. In support of her claim, the Claimant provided copies of her birth certificate, her father’s German passport, and her mother’s travel documents. Furthermore, the Claimant submitted copies of her father’s death certificate and his will, in which the Claimant and her brother are designated the sole heirs of Paul Frankenberg, as well as a letter with the heading *Paul Frankenberg Bankgeschäft*. The Claimant indicated that she was born on 15 February 1924 in Düsseldorf, Germany. The Claimant is representing [REDACTED], her brother, who was born on 9 May 1929 in Berlin.

Information Available in the Bank Records

The bank records consist of several account statements, a registry card and an extract from the Bank's database. According to these records, the Account Owner was Paul Frankenberg, who had a temporary address in Zurich and a place of residence in Germany. The bank documents further indicate that the Account Owner held a demand deposit account. The amount in the account as of 30 November 1945 was 1,683.00 Swiss Francs, and the Bank was instructed to hold all correspondence to the Account Owner. The account remains open and dormant today.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant indicated that her parents traveled several times to Switzerland in the 1930s, which is consistent with the unpublished reference in the bank records to a temporary Swiss address, and the Claimant stated that her father was from Germany, which is consistent with the Account Owner's unpublished place of residence contained in the Bank records.

Moreover, the CRT notes that a database containing the names of Victims of Nazi Persecution includes a person named Paul Frankenberg, and indicates that Paul Frankenberg was a German banker who lived in Berlin, which matches the 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. The CRT also notes that there are no other claimants to the account of Paul Frankenberg.

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 has stated that the Account Owner was Jewish, and that he lived in Berlin, Germany until January 1939, when he was able to flee Germany. Furthermore, the Account Owner had to turn over his business and most of his assets to the Nazi authorities. As noted above, the database containing names of Victims of Nazi Persecution includes a person named Paul Frankenberg.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she and her brother are his only children and sole heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account is 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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her and her brother’s father, and those relationships justify 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

The bank records indicate that the value of the demand deposit account as of 30 November 1945 was 1,683.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 12.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1 January 1945 and 30 November 1945. Consequently, the adjusted balance of the account at issue is 1,695.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 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.

Division of the Award

The claimant is representing her brother in these proceedings. According to Article 29 of the Rules, the Claimant’s brother is entitled to receive one half of any payment made to the Claimant.

Initial Payment

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, however, because the Claimant is age 75 or older, she is entitled to receive payment of 100% of her portion of the total award amount. Accordingly, the initial payment amount is 21,186.00 Swiss Francs, which is comprised of 100% of the Claimant’s portion of the award (12,840.00 Swiss Francs) and 65% of [REDACTED]’s portion of the award (8,346.00 Swiss Francs).

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 her claim to determine whether there are additional Swiss bank accounts to which she 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

December 27, 2002