

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Sam Fritz¹

in re Account of Max Fritz

Claim Number: 208590/MBC

Award Amount: 52,701.25 Swiss Francs

This Certified Award is based upon the claim of Sam Fritz (the “Claimant”) to the published account of Max Fritz (the “Account Owner”) at the Rheinfelden branch of the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his father, Max (Myer, Mayer) Fritz, who was born on 16 May 1899 in Oppeln, Germany, and was married to Doris (Dworja) Fritz, née Lenga. The Claimant indicated that his parents, who were Jewish, resided in Oppeln and, as of 1930, in Lodz, Poland. The Claimant further indicated that his family resided at Srodmiejska 44 in Lodz, and that his father owned a butcher shop nearby. According to the Claimant, his father was confined to the Lodz ghetto in 1941, and then deported to the Friedland concentration camp in 1944. The Claimant explained that after being liberated in May 1945, his father lived in a refugee camp in Bensheim, Germany, until he emigrated to the United States in 1949. Finally, the Claimant indicated that his father died in the United States in 1978. The Claimant indicated that he was born in Oppeln on 25 December 1930.

In a telephone conversation with the CRT, on 10 May 2007, the Claimant’s wife, Mrs. Fritz, informed the CRT that the Claimant passed away in 2005. Mrs. Fritz further indicated that the Claimant’s mother and sister perished in a concentration camp.

The Claimant submitted documents in support of his claim, including: 1) a copy of his own birth certificate, dated in 1935 and stamped by the Nazi authorities in Oppeln, indicating that Simon Fritz was born in Oppeln on 25 December 1930 and that his father was Mayer Fritz, a Jewish

¹ In a telephone conversation with the CRT on 10 May 2007, the wife of Claimant Sam Fritz (the “Claimant”) indicated that her husband passed away in 2005. Therefore, this award is to the Claimant’s estate.

butcher; 2) his own certificate of naturalization as a United States citizen, dated in 1954, indicating that Sam Fritz was born on 25 December 1930, that he was a German national, and that his name was officially changed from Szymon Fritz as part of the naturalization proceedings; and 3) his father's certificate of naturalization as a United States citizen, dated in 1955, indicating that Max Fritz was born on 16 May 1899, that he was a German national, that he was a widower, and that his name was officially changed from Mayer Fritz as part of the naturalization proceedings.

Information Available in the Bank's Records

The Bank's records consist of a list of German savings/passbook accounts transferred to the German *Reichsbank* on 8 December 1933 and reports on German accounts at Bank branches on the German frontier, including a report regarding a "compensation" arrangement between the Swiss National Bank and the German *Reichsbank* reached after the Nazis' enactment of the Law on Treason against the German Economy (*Gesetz gegen den Verat der Deutschen Volkswirtschaft*) on 12 June 1933.²

According to the Bank's records, the Account Owner was Max Fritz, who resided in Rheinfelden/B. (Baden), Germany. These records indicate that that the Account Owner held a savings/passbook account, which had a balance of 4,216.10 Swiss Francs ("SF") upon its transfer to the *Reichsbank* on 8 December 1933.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner.³ The Claimant identified the Account Owner's country of residence, which matches unpublished

² Under this arrangement, German assets in which Swiss banks had an interest were "set off" by the savings deposits of the Swiss banks' German clients. For a more detailed discussion of this compensation arrangement, see the Court's Order on German accounts closed between 1933 and 1936 (signed 25 April 2003):

. . . Swiss banks along the German and Austrian border were particularly affected in 1933 and 1936 by the Nazi Regime's introduction of capital flight legislation and its forced implementation under threat of draconian penalties. At the same time, confiscatory Nazi legislation within Germany was also impacting the banks' financial interests by blocking assets backed by Swiss mortgages. To compensate for these losses, the Swiss National Bank concluded a compensations procedure with the *Reichsbank*: the frontier banks could compensate their mortgage-backed claims blocked in Germany and/or Austria with savings deposits in Switzerland, as long as these had been reported to the National Socialist authorities. The credit accounts affected by the compensation thus ceased to exist.

Id., Appendix C at 7 (internal quotations and citations omitted). Full text available at www.crt-ii.org/http://www.crt-ii.org/governing_rules.phtm.

³ The CRT notes that the Claimant indicated that his father was known as Max even before he officially changed his name in the United States.

information about the Account Owner contained in the Bank's records. The CRT notes that the Bank document showing the Account Owner's German residence is dated in 1933, by which time the Claimant's father resided in Poland. However, the Claimant indicated that his parents resided in Germany before 1930 and that his father retained his German nationality after moving to Poland. Additionally, the Claimant's birth certificate, issued by Nazi authorities in Oppeln in 1935, illustrates that the Claimant's father retained some connection to Germany as of that date. Therefore, since the Bank's records do not indicate the date of last contact with the Account Owner, the Bank's retention of a German address for the Account Owner is not inconsistent with the information provided by the Claimant.

Finally, the CRT notes that Rheinfelden, Germany, is directly over the border from Rheinfelden, Switzerland - where the account was held - and that the centers of these two cities are approximately one kilometer apart. Therefore, the CRT determines that it is plausible that an Account Owner from elsewhere in Germany would have used Rheinfelden as a temporary address for purposes of the account, and that the Account Owner plausibly did not actually reside there.

In support of his claim, the Claimant submitted his own birth certificate and his father's certificate of naturalization, providing independent verification that the person who is claimed to be the Account Owner had the same surname and resided in the same country recorded in the Bank's records as the surname and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Majer Fryc (Mayer Fritz), who was a German national born in 1899. The database further indicates that Majer Fryc was a butcher and that he resided at Srodmiejska 44 in Lodz before being imprisoned in the Lodz Ghetto. This information 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 notes that the name Max Fritz appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 was confined to the Lodz Ghetto in 1941, and that he was imprisoned in the Friedland concentration camp from 1944 to 1945. Additionally, the Claimant indicated that the Account Owner's wife and daughter perished in a concentration camp. As noted above, a person named Majer Fryc 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 specific information and his own birth certificate, demonstrating that the Account Owner was the Claimant's father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the German *Reichsbank* on 8 December 1933, along with numerous other German-owned accounts at the Bank.

Given that after coming to power in January 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner would have been unable to retain control over his account after it was repatriated to the *Reichsbank* in Nazi Germany; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process (the "Rules") (see Appendix A), and Appendix C,⁴ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the account as of 8 December 1933 was SF 4,216.10. The current value of the amount of the award is determined by multiplying the historic value 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 52,701.25.

⁴ Available at www.crt-ii.org/http://www.crt-ii.org/governing_rules.phtm. See note 2 *supra*.

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
12 October 2007