

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

and to Claimant [REDACTED 4]

in re Account of A. Froehlich

Claim Numbers: 216670/RS; 600184/RS;¹ 700665/RS;² 720079/RS³

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Oskar Fröhlich;⁴ the claim of [REDACTED 2], née [REDACTED] (“Claimant

¹ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted a claim, numbered B-01528, on 18 November 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. The claim was referred by the HCPO to the CRT and has been assigned Claim Number 600184.

² Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999, he submitted Initial Questionnaires (“IQs”), numbered CZE-0020094 and CZE-0029135, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 700665 and 700881, respectively. The CRT has determined that these claims are duplicate claims and is treating them under consolidated Claim Number 700665.

Claimant [REDACTED 3] submitted two additional IQs, which are registered under the Claim Numbers 700664 and 700882. In a decision released 4 September 2007, the CRT treated Claimant [REDACTED 3]’s claim to the accounts of Anna Holzova, Josefa Hozova, Adolf Holz, and Gertruda Fröhlichova. In a separate decision released 24 September 2007, the CRT treated Claimant [REDACTED 3]’s claim to the accounts of Gertruda Fröhlichova, Adolf Holz, and Anna Holz.

³ Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an IQ, numbered HEB-0238132, to the Court. In accordance with the procedure described in the previous footnote, the IQ has been assigned claim number 720079.

⁴ In a separate decision, the CRT awarded the accounts of Oskar Fröhlich to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”). See *In re Accounts of Oskar Fröhlich* (approved on 10 December 2004). In another separate decision, the CRT awarded the account of J. Froelich to Claimant [REDACTED 1]. See *In re Account of J. Froelich* (approved on 29 May 2007).

[REDACTED 2]”) to the account of Anneliese (Cohn) Froehlich and Siegfried Cohn;⁵ the claims of [REDACTED 3] (“Claimant [REDACTED 3]”) to the accounts of Ladislav Fröhlich and Julius Fröhlich;⁶ and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of Abraham Fröhlich.⁷ This award is to the unpublished account of A. Froehlich (the “Account Owner”) at the Zurich-Stadelhoferplatz branch of [REDACTED] (the “Bank”).⁸

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as either his great-grandfather or his paternal uncle, both of whom were named Albert Fröhlich.

Claimant [REDACTED 1] indicated that his great-grandfather, who was Jewish, was married to [REDACTED], née [REDACTED], and that they had at least one child - [REDACTED], Claimant [REDACTED 1]’s paternal grandfather, who was born on 8 December 1881 in Karlovac, Yugoslavia (now Croatia) and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] further indicated that his grandparents, who were Jewish, resided in Zagreb, Yugoslavia (now Croatia), where his grandfather owned a tannery and other businesses, and that they had three children: Albert, born in 1913; [REDACTED], Claimant [REDACTED 1]’s father; and [REDACTED]. According to Claimant [REDACTED 1], businesses belonging to his grandfather [REDACTED] were seized in 1942, and the family was forced to live on the outskirts of Zagreb; his grandparents then fled to Metlika in the Italian occupation zone, today part of Slovenia, where they were captured by the Italian authorities and imprisoned in a camp in Alba, Italy until the end of the Second World War. Claimant [REDACTED 1] indicated that his grandparents died in Zagreb in the 1960s, and that he is their only surviving heir.

Claimant [REDACTED 1] further indicated that his uncle Albert Fröhlich was married to [REDACTED] and that he died, without offspring, in 1946 in Travnik, Yugoslavia (now Bosnia-Herzegovina).

⁵ The CRT did not locate an account under the names to Siegfried Cohn in the Account History Database (“AHD”) prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

⁶ The CRT did not locate an account belonging to Ladislav Fröhlich or Julius Fröhlich in the AHD.

⁷ The CRT did not locate an account under the name Abraham Fröhlich in the AHD.

⁸ The CRT notes that the names Albert Fröhlich and *Frl.* (Miss) Anna Fröhlich were published 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”). Upon careful review, the CRT has determined that these individuals are not the same persons addressed in the current decision and, consequently, none of the Claimants identified either of these other account owners as his or her relative.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including:

- 1) his grandfather's birth certificate, indicating that [REDACTED] was born on 8 December 1881 and that his parents were Albert Fröhlich and [REDACTED], née [REDACTED];
- 2) his father's birth certificate, indicating that [REDACTED] was born on 25 April 1915 and that his parents were [REDACTED] and [REDACTED], née [REDACTED];
- 3) his own birth certificate, indicating that [REDACTED 1] was born on 27 November 1947 in Zagreb and that his parents were [REDACTED] and [REDACTED], née [REDACTED];
- 4) his grandfather's death certificate, dated 10 January 1962 in Zagreb, indicating that Albert Fröhlich was born on 8 December 1881 to [REDACTED] and [REDACTED], née [REDACTED], and that he was married to [REDACTED], née [REDACTED];
- 5) his grandmother's death certificate, dated 14 December 1969 in Zagreb, indicating that [REDACTED], née [REDACTED], was born on 10 January 1889 and that she was the widow of [REDACTED];
- 6) his father's death certificate, dated 14 April 1982 in Zagreb, indicating that [REDACTED] was born on 25 April 1915 and that his parents were [REDACTED] and [REDACTED];
- 7) an inheritance certificate related to his father's estate, indicating that [REDACTED] was born on 25 April 1915, that he died on 14 April 1982, and that his heirs were his son [REDACTED 1] and his wife [REDACTED];
- 8) his mother's death certificate, indicating that [REDACTED], née [REDACTED], died on 22 September 1998 in Zagreb; and
- 9) an inheritance certificate relating to his mother's estate indicating that [REDACTED], née [REDACTED], died on 22 September 1998 and that her son [REDACTED 1] is her sole heir.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Holocaust Claims Processing Office ("HCPO") Claim, identifying the Account Owner as her late husband's sister, Anneliese Fröhlich, née Cohn, who was born on 3 May 1923 in Koblenz, Germany to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED] in approximately 1939. Claimant [REDACTED 2] indicated that her sister-in-law was Jewish, and that she resided in Koblenz with her parents, who were wealthy, until approximately 1936, when she left home to attend boarding school in Montreux, Switzerland. Claimant [REDACTED 2] further indicated that her sister-in-law came home to Germany for a visit in approximately 1937 or 1938, but that by the time she attempted to return to Switzerland, the borders were closed, and her passport was confiscated. According to Claimant [REDACTED 2], her sister-in-law was married soon thereafter and moved to Cologne, Germany. Claimant [REDACTED 2] indicated that during the Second World War, Anneliese Fröhlich and her husband were deported to a concentration camp, where they perished.

Claimant [REDACTED 2] indicated that her husband, [REDACTED], (formerly [REDACTED]), died in 1996.

In support of her claim, Claimant [REDACTED 2] submitted copies of documents, including:

- 1) her own birth certificate, indicating that [REDACTED 2] was born on 8 May 1916 in Hamm (Sieg), Germany and that she is Jewish; and
- 2) an application related to Holocaust-era insurance claims, dated 1998, in reference to her sister-in-law Anneliese Fröhlich, née Cohn, and her parents [REDACTED] and [REDACTED], indicating that the Nazis confiscated [REDACTED]'s business, and that Claimant [REDACTED 2]'s husband [REDACTED] changed his surname from [REDACTED] to [REDACTED].

Claimant [REDACTED 2] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Anneliese Cohn Fröhlich or Siegfried Cohn.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted IQs identifying the Account Owner as his paternal grandmother, Anna Fröhlich, who was married to [REDACTED]. Claimant [REDACTED 3] indicated that his grandparents, who were Jewish, resided in Prasice, near Topolcany, Czechoslovakia (now Slovakia), where they owned a farm, and that they had at least one child - [REDACTED], Claimant [REDACTED 3]’s father, who was born on 6 February 1919.

According to Claimant [REDACTED 3], in 1942, his family’s assets were looted by the Nazis and his grandparents and father fled and hid in the woods; after approximately ten days, they were captured by the Nazis and were deported to Auschwitz on 14 October 1942. Finally, Claimant [REDACTED 3] indicated that Anna and [REDACTED] Fröhlich perished in Auschwitz; his father, [REDACTED], was liberated at the end of the Second World War and died in Most, the Czech Republic on 18 November 1994.

Claimant [REDACTED 3] indicated that he was born on 7 June 1946.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as her paternal grandfather, Abraham Fröhlich, who was born in approximately 1860. Claimant [REDACTED 4] indicated that her grandfather, who was Jewish, resided in Gelsenkirchen, Germany, where he was a cattle dealer, and that he had at least one child - [REDACTED] (Claimant [REDACTED 4]’s father). According to Claimant [REDACTED 4], during the Second World War, her grandfather’s home and business were seized by the Nazis, and he and his family were forced to flee from Gelsenkirchen. Finally, Claimant [REDACTED 4] indicated that her grandfather died in approximately 1950 in Haifa, Israel.

Claimant [REDACTED 4] indicated that she was born on 29 November 1947.

Information Available in the Bank’s Record

The Bank’s record consists of a report from 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”). According to this record, the Account Owner was A. Froehlich. The auditors’ report does not indicate the Account Owner’s domicile. The auditors’ report indicates that the Account Owner held an account, the type of which is not indicated, and that the account was transferred to a suspense account on an unknown date. The report also indicates that the account had a balance of 13.20 Swiss Francs (“SF”) on an unspecified date. 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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names match the unpublished first initial and surname of the Account Owner.⁹ The CRT notes that the auditors' report does not contain any specific information about the Account Owner other than his or her first initial and surname.

In support of their claims, Claimant [REDACTED 1] submitted documents, including his grandfather's birth and death certificates; and Claimant [REDACTED 2] submitted documents, including an application relating to Holocaust-era insurance claims, each providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the auditors' report as the first initial and surname of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2]'s husband in 1971, which indicates that Anneliese Fröhlich, née Cohn, was born on 3 May 1923 in Koblenz to [REDACTED] and [REDACTED]; that she resided in Köln; and that she perished in Theresienstadt, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimants' relatives are not the same person. However, given that the Claimants have identified all information about the Account Owner that is available in the auditors' report; that there is no additional information in the auditors' report which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he resided in Nazi-occupied Yugoslavia. Claimant [REDACTED 1] further stated that the Account Owner's family members were imprisoned in Italy during the Second World War.

⁹ The CRT notes that the Germanic character "ö" is transcribed as "oe" and thus that the surname Fröhlich is equivalent to the surname Froehlich.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that she perished in a concentration camp. Claimant [REDACTED 2] also submitted an application related to Holocaust-era insurance claims, indicating that the Account Owner was a Victim of Nazi Persecution. As noted above, a person named Anneliese Fröhlich was included in the CRT's database of victims.

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that she perished in a concentration camp.

Finally, Claimant [REDACTED 4] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish, that he resided in Nazi Germany, that his assets were looted by the Nazis, and that he was forced to flee from his home.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s great-grandfather. These documents include 1) his own birth certificate and his father's death certificate, indicating that Claimant [REDACTED 1]'s father was [REDACTED]; 2) his father's birth certificate and death certificate, indicating that [REDACTED]'s father was [REDACTED]; and 3) his grandfather's birth certificate and death certificate, indicating that [REDACTED]'s father was Albert Fröhlich. The CRT further notes that Claimant [REDACTED 1] also identified his paternal uncle as Albert Fröhlich. There is no information to indicate that either of these Account Owners has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s sister-in-law. The CRT further notes that Claimant [REDACTED 2] also identified information which matches information contained in the Yad Vashem records. The CRT notes that Claimant [REDACTED 2] indicated that she has surviving children, but that because they are not represented in Claimant [REDACTED 2]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s grandmother. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 4]'s grandfather. The CRT further notes that Claimant [REDACTED 4] also identified information which is consistent with information contained in the Yad Vashem records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors' report indicates that the account remains suspended.

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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his great-grandfather or uncle; Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her sister-in-law; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his grandmother; and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her grandfather, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or her 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 auditors' report indicates that the value of the account as of an unspecified date was SF 13.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each of the four Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, the Claimants are each entitled to one-quarter of the 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
8 October 2008