

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award upon Request for Reconsideration**

to Claimant [REDACTED 1],  
also acting on behalf of [REDACTED 2]<sup>1</sup>  
represented by [REDACTED]

and to Claimant [REDACTED 3]

### **in re Accounts of Rosa Grün Fuhrmann and Abraham Fuhrmann**

Claim Numbers: 300370/WT; 708354/WT<sup>2</sup>  
Appeal Number: 1784

Award Amount: 10,475.00 Swiss Francs

This Certified Award upon Request for Reconsideration is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the unpublished accounts of Rosa Grün Fuhrmann (“Account Owner Grün”) and Abraham Fuhrmann (“Claimed Account Owner Fuhrmann”) at the Zurich branches of the [REDACTED] (“Bank I”) the [REDACTED] (“Bank II”) (together the “Banks”).

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.

### **Procedural History**

In a decision approved by the Court on 26 September 2007, the CRT treated Claimant [REDACTED 1]’s claim to the accounts of Abraham Fuhrmann and Rosa Grün Fuhrmann. In that decision, Claimant [REDACTED 1] was informed that the CRT was unable to locate any accounts belonging to the above-named individuals in the Account History Database (“AHD”) prepared pursuant to the investigation of the Independent Committee of Eminent Persons

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<sup>1</sup> Claimant [REDACTED 1]’s son informed the CRT that [REDACTED 2], has passed away.

<sup>2</sup> [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0005052, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned claim number 708354.

(“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”).

In a letter dated 13 November 2007, Claimant [REDACTED 1] requested reconsideration of the September 2007 decision and resubmitted documents purportedly showing that Abraham Fuhrmann and Rosa Grün Fuhrmann held accounts at the Banks.

This decision addresses the documents submitted by Claimant [REDACTED 1] in his claim and request for reconsideration. Additionally, this decision addresses the claim of Claimant [REDACTED 3], who is the widow of Claimant [REDACTED 1]’s cousin, [REDACTED], who also claimed the accounts of Abraham Fuhrmann and Rosa Grün Fuhrmann.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Grün as his maternal aunt, Rosa Fuhrmann, née Grün, and identifying Claimed Account Owner Fuhrmann as his aunt’s husband, Abraham Fuhrmann. Claimant [REDACTED 1] stated that his aunt and uncle, who were Jewish, lived on Ruckenstrasse in Berlin, Germany, and that in November 1938 Abraham Fuhrmann was arrested along with other Jewish people in Berlin and deported to Poland. Claimant [REDACTED 1] explained that his aunt and uncle then moved to Tarnow, Poland, where they resided with [REDACTED] (Claimant [REDACTED 1]’s father) and [REDACTED] (Claimant [REDACTED 1]’s mother). Claimant [REDACTED 1] stated that in 1942 his family was deported to concentration camps, where many of his family members perished, including his aunt and uncle.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents pertaining to transactions with the Banks in Zurich, which are further described below. Additionally, Claimant [REDACTED 1] submitted:

- (1) a photograph of Claimant [REDACTED 1]’s family gravestone, showing that family members with surnames Klein (including [REDACTED]), Grün (including Rosa Grün), and Topiol were killed by the Nazis;
- (2) Claimant [REDACTED 1]’s own marriage certificate, indicating that [REDACTED 1] was born in Tarnow in 1925 and that his parents were [REDACTED] and [REDACTED];
- (3) a certificate, indicating that [REDACTED 1] was born in 1925 in Poland, and that in July 1944 [REDACTED 1] was transferred from Auschwitz to the concentration camp at Mauthausen, where he was liberated on 5 May 1945;
- (4) a letter from Bank II, dated 5 March 1996, stating that pursuant to Claimant [REDACTED 1]’s request, Bank II had searched for an account in the name of Abraham Fuhrmann, but found no record of any such account either at its central office or at any of its branches, that a fee of 2,000.00 Swiss Francs (“SF”) would be required for a

definitive search of all Bank II's branches in Switzerland, as well as legal documents showing that Claimant [REDACTED 1] is Abraham Fuhrmann's heir, and that Claimant [REDACTED 1] that he may wish to submit a claim with the Swiss Banking Ombudsman;

- (5) a copy of a claim Claimant [REDACTED 1] filed in January 1997 with the Swiss Banking Ombudsman's Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Contact Office"), indicating that Claimant [REDACTED 1] requested a search for accounts held by Abraham Fuhrmann and Rosa Grün, and that he paid a search fee of SF 100.00 for this purpose; and
- (6) a letter from the Contact Office dated 25 July 1997, indicating that all Swiss banks had been asked to search for the names mentioned by Claimant [REDACTED 1] in his claim and that none had provided a positive response.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999 asserting his entitlement to a Swiss bank account owned by Abraham Fuhrmann and Rosa Grün Fuhrmann.

Claimant [REDACTED 1] indicated that he was born on 11 January 1925 in Tarnow. Claimant [REDACTED 1] is representing his sister, [REDACTED 2], who was born in 1914 in Poland. Claimant [REDACTED 1]'s son, who is representing his father, informed the CRT that [REDACTED 2], has passed away.

#### Claimant [REDACTED 3]

Claimant [REDACTED 3], who is Claimant [REDACTED 1]'s cousin by marriage, submitted an IQ identifying Account Owner Grün as her husband's maternal aunt, Rosa Fuhrmann, née Grün, who was born around 1900, and identifying Claimed Account Owner Fuhrmann as Rosa Fuhrmann's husband, Abraham Fuhrmann. Claimant [REDACTED 3] stated that her husband's aunt and uncle, who were Jewish, lived in Berlin from 1934 until 1938. Claimant [REDACTED 3] explained that Abraham Fuhrmann was arrested and deported to Poland in 1938, after which he and his wife resided in Tarnow at the home of their relative, [REDACTED]. Claimant [REDACTED 3] stated that her family lost contact with Abraham Fuhrmann in June 1939 and that he and his wife perished in the Holocaust.

In support of her claim, Claimant [REDACTED 3] submitted copies of: (1) an official excerpt from the family register (*Familienschein*) in Zurich, indicating that [REDACTED] and [REDACTED], who was the daughter of [REDACTED] and [REDACTED] from Tuchow (Tarnow), were married on 19 December 1919 in Zurich, and that they had two children, [REDACTED] and [REDACTED] (whom Claimant [REDACTED 3] identified as her late husband, [REDACTED]); (2) an undated postcard, sent by a person identified only as "Topiol" on behalf of a person identified only as "Grün" ("*für Grün*"), addressed to [REDACTED] in Zurich, with a return address of Lwowska 37 in Tarnow; and (3) copies of documents pertaining to transactions with the Banks, identical to those submitted by Claimant [REDACTED 1], which are further described below.

Claimant [REDACTED 3] indicated that she was born on 30 October 1929 in Zurich.

## Information Available in the Bank Records

The CRT notes that the auditors who carried out the ICEP Investigation did not report an account belonging to Abraham Fuhrmann or Rosa Grün during their investigation of the Banks. The documents pertaining to Swiss bank accounts potentially held by the Account Owners were submitted to the CRT by the Claimants.

### Bank I

With respect to Bank I, the Claimants submitted a transfer confirmation, dated 22 June 1939, on the letterhead of Bank I in Zurich, indicating that Account Owner Grün was *Fräulein* (Miss) Rosa Grün, whose correspondence address was Ankerstrasse 121 in Zurich. This document indicates that Account Owner Grün held a savings/passbook account, numbered 96826. According to this record, pursuant to a verbal request given by Account Owner Grün on 21 June 1939, Bank I transferred 470.00 Polish zloty, equivalent to 303.15 Swiss Francs (“SF”), from savings/passbook account 96826 to *Frau* (Mrs.) Rosa Fuhrmann-Grün, in care of Berta Braun of uliza Walova 13 in Tarnow.<sup>3</sup> This record does not show whether the assets transferred constituted the entire amount in the account, or whether other assets remained in the account after the transfer. The record also does not show when the account at issue was closed, nor does this record indicate the value of the account. There is no evidence in this record that Account Owner Grün closed the account and received the proceeds remaining in the account after the transfer.

### Bank II

With respect to Bank II, the Claimants submitted a handwritten letter dated 17 November 1938, from Abraham Fuhrmann to his unnamed sister-in-law (*Schwägerin*), which states that he and other Jews had been arrested in Berlin and deported to Poland, where he was then residing in Tarnow with [REDACTED], and requesting that his sister-in-law send money to him in Tarnow by means of telegraphic transfer through Bank II in Zurich.<sup>4</sup> The Claimants also submitted an undated, unattributed typewritten document that names the *Allgemeiner Bankverein* in Tarnow, Poland, and that states that the Swiss bank connection (*schweizerische Bankverbindung*) was Bank II in Zurich.

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<sup>3</sup> This record reads:

Following your verbal request of yesterday, we credited to Mrs. Rosa Fuhrmann-Grün, care of Berta Braun, uliza Walova 13, Tarnow (Poland)

Zloty 470.-- at the exchange rate of 64.50

Fr. 303.15 plus

“ 2.-- transaction fees

Fr. 305.15 which amount we withdrew from savings/passbook account number 96826.

<sup>4</sup> The letter reads in part: “I ask you dear sister-in-law to transfer to me via the bank in Tarnow any and all means that my wife possess.... I supply to you an address for [Bank II] in Zurich please go there and tell them that you wish to transfer money for a German refugee in Tarnow... The money must be sent telegraphically....”

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of 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 of the Claimants in one proceeding.

### Basis for Denial with Respect to the Purported Account at Bank II

The CRT notes that the Claimants claimed an account owned by Claimed Account Owner Fuhrmann at Bank II. The CRT has determined that the evidence submitted by the Claimants is insufficient to justify an award for such an account. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. Although the CRT has previously awarded accounts to Claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these Claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank.

While the CRT bears in mind the difficulties of proving a claim after the destructive events of the Second World War, it has determined in this case that the letter written by Claimed Account Owner Fuhrmann in November 1938 and the typed undated, unattributed addendum naming Bank II and a Polish bank are insufficient to support the existence of a Holocaust-era Swiss bank account. Claimed Account Owner Fuhrmann's handwritten letter and an undated, unattributed typed document are not illustrative of the type and kind of facially reliable evidence discussed above (actual bank documents, documents submitted to an official governmental agency, or official letterhead indicating a connection to a Swiss bank), nor do the letter and the addendum offer probative evidence of an identifiable existing or closed account relationship with Bank II. The CRT notes that the handwritten letter simply refers to assets whose owner and location are not indicated, and requests that these assets be transferred telegraphically to a bank in Poland, using the services of Bank II. The letter does not state that the assets are on deposit in Bank II, only that the telegraphic services of Bank II should be used to transfer the assets. The CRT further notes that the undated, unattributed, typed document simply names a bank in Poland, together with Bank II, but does not show that the Claimants' relatives held assets at Bank II. Accordingly, as no documentary evidence has been presented which would indicate the existence of an account at Bank II, the CRT is unable to recommend an award based upon the evidence presented.

### Identification of Account Owner Grün

With respect to the transfer confirmation from Bank I submitted by the Claimants, the CRT notes that this is an actual bank document that originated from Bank I, which indicates that Account Owner Grün held a savings/passbook account at Bank I as of 21 June 1939. Accordingly, the CRT concludes that this document constitutes facially reliable evidence of an account according to the criteria contained in Article 17 of the Rules, as described above.

The Claimants have plausibly identified Account Owner Grün. The document submitted by the Claimants pertaining to an account at Bank I indicates that Miss Rosa Grün (Account Owner Grün) requested a transfer of funds from her account at Bank I to Mrs. Rosa Fuhrmann-Grün in Tarnow in June 1939. This corresponds to information submitted by the Claimants that Rosa Fuhrmann-Grün had relatives in Zurich and that she joined her husband in Tarnow following his deportation to Poland. Accordingly, the CRT concludes that Account Owner Grün and Mrs. Rosa Fuhrmann-Grün are the same person.

In support of their claims, the Claimants submitted a handwritten letter by Abraham Fuhrmann, referring to assets held by his wife, and indicating that he was staying in Tarnow, providing independent verification that the person who is claimed to be Account Owner Grün, had the same surname (Fuhrmann) and connections to the same city (Tarnow), as those indicated in the Bank I record submitted by the Claimants.

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 Account Owner Grün.

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

The Claimants have made a plausible showing that Account Owner Grün and members of her family were Victims of Nazi Persecution. The Claimants stated that Account Owen Grün and her husband were Jewish, that they lived in Nazi Germany, that her husband was deported to Poland, and that they perished in the Holocaust. The Claimants also submitted a letter from Account Owner Grün's husband dated in November 1938, describing his arrest and deportation by Nazi authorities. Additionally, Claimant [REDACTED 1] submitted a photograph of Claimant [REDACTED 1]'s family's tomb in Poland, which includes the name of Account Owner Grün.

### The Claimants' Relationship to Account Owner Grün

The Claimants have plausibly demonstrated that they are related to Account Owner Grün by submitting specific biographical information and documents, demonstrating that Account Owner Grün was Claimant [REDACTED 1]'s aunt and Claimant [REDACTED 3]'s husband's aunt.

In support of his claim, Claimant [REDACTED 1] submitted copies of: (1) a hand-written letter from Abraham Fuhrmann, indicating that he resided with [REDACTED] in Tarnow; (2) a transfer confirmation from Bank I, indicating that money was transferred to Account Owner Grün in Tarnow; (3) a photograph of Claimant [REDACTED 1]'s family gravestone, indicating

that [REDACTED] and Rosa Grün, among other family members were killed by the Nazis; and (3) Claimant [REDACTED 1]'s own marriage certificate, indicating that he was born in Tarnow to [REDACTED] and [REDACTED]. These documents provide independent verification that Claimant [REDACTED 1]'s maternal relatives bore the same family name as Account Owner Grün and that they resided in Tarnow.

In support of her claim, Claimant [REDACTED 3] submitted copies of: (1) an excerpt from the family register in Zurich, indicating that Claimant [REDACTED 3]'s husband's maternal grandmother's maiden name was Grün and that his mother came from Tarnow; (2) a handwritten letter from Abraham Fuhrmann in Tarnow; and (3) a postcard sent by a member of the Grün family in Tarnow to [REDACTED] in Zurich. These documents provide independent verification that Claimant [REDACTED 3]'s relatives bore the same family name as Account Owner Grün and that they had relatives in Tarnow.

#### The Issue of Who Received the Proceeds

The CRT notes that Bank I's record, as submitted by the Claimants, indicates that on 21 June 1939 Account Owner Grün gave verbal instructions to Bank I to transfer funds from her account in Zurich to herself at a bank in Poland. Thus, it is clear that with regard to the assets transferred that Account Owner Grün maintained control over them. The CRT notes that the fact that Account Owner Grün gave verbal instructions to Bank I suggests that Account Owner Grün may have been outside Nazi-dominated territory on the date she gave the instructions. However, as both Claimants stated, Account Owner Grün was deported with others from her family and ultimately perished. Thus, if she was in Zurich at the time she gave her verbal instructions, she certainly later returned to Poland. The CRT notes that the record from Bank I does not indicate whether the amount transferred pursuant to Account Owner Grün's instructions constituted the entire amount in the account, or whether assets remained in the account following the transfer. There is no evidence in Bank I's records that Account Owner Grün maintained control over the remaining assets in the account and received the proceeds. Given that Bank I's record does not indicate if or to whom the account was closed; that Account Owner Grün fled her country of origin due to Nazi persecution and that Account Owner Grün's husband was arrested and deported by Nazi authorities; that Account Owner Grün and her husband were later deported to a concentration camp where they perished; that Account Owner Grün's heirs were not able to obtain information about her account after the Second World War from Bank I 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; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Grün or her 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules.

Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Grün was his aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither Account Owner Grün nor her heirs received the proceeds of the claimed account. Further, the CRT notes that Claimant [REDACTED 1], as Account Owner Grün's nephew, has a better entitlement to the account than Claimant [REDACTED 3], Account Owner Grün's niece by marriage.

#### Amount of the Award

In this case, Account Owner Grün held one savings/passbook account. Bank I's record indicates that SF 305.15 was withdrawn from the account on 22 June 1939 and transferred to Poland. However, as noted above, this record does not indicate whether the amount transferred constituted the entire balance of the account, or whether assets remained in the account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a savings/passbook account was SF 830.00.<sup>5</sup> The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

The CRT also notes that Claimant [REDACTED 1] paid a search fee of SF 100.00 in 1997, when he requested that the Contact Office search for accounts held by Abraham Fuhrmann and Rosa Fuhrmann-Grün. This search fee is added to the amount being awarded to Claimant [REDACTED 1], for a total award amount of SF 10,475.00.

#### 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, as the grandchildren of Account Owner Grün's parents, Claimant [REDACTED 1] and his sister, [REDACTED 2], are entitled to share equally the total award amount. As noted above, Claimant [REDACTED 3], who is related to Account Owner Grün by marriage, is not entitled to share in the award.

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<sup>5</sup> The CRT notes that, in an Order dated 16 June 2010, the Court amended Article 29 of the Rules, which establishes value presumptions for accounts with unknown or low values. Full information regarding the methodology and procedure used to determine the revised Article 29 presumptive values is available at [www.swissbankclaims.com](http://www.swissbankclaims.com). The CRT notes that any adjustment for accounts awarded at the previous presumptive value amounts, such as the savings/passbook account described herein, will be addressed to Claimant [REDACTED 1] separately.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
17 December 2010