

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Paul Geiringer

Claim Number: 500645/SJ

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Paul Geiringer (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 Ludwig Geiringer, who was born on 10 August 1894 in Neustadt an der Mettau, Czechoslovakia (also known as Nove Mesto), and was married to [REDACTED] in October 1927 in Vienna, Austria. The Claimant indicated that her parents had two children: the Claimant, who was born on 31 August 1931 in Vienna, and her brother, [REDACTED], who was born on 13 November 1934 in Vienna. The Claimant indicated that her father, who was Jewish, was an engineer who lived and worked in Vienna until 1938, when he fled with his wife and children to Sutton, Surrey, England, where he was considered an enemy alien. The Claimant indicated that after approximately three years, in 1941, her family moved again, this time to New York, New York, the United States. The Claimant indicated that her mother died in Bronxville, New York in May 1970, that her father remarried in June 1971, and that he died in January 1973. The Claimant submitted a copy of her father’s birth certificate; her father’s Austrian passport; a certificate, dated 18 May 1933, stating that Paul Geiringer was qualified to work as an engineer in Vienna; a copy of the marriage license of her father and his second wife, [REDACTED]; an excerpt from her father’s will, stating that his children were the Claimant and her brother, [REDACTED]; and a copy of her own birth certificate, showing that she was born in Vienna, and that her parents were Paul Ludwig Geiringer and [REDACTED].

As noted above, the Claimant stated that she was born on 31 August 1931 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Paul Geiringer, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held one demand deposit account and one safe deposit box. The Bank's record further indicates that the safe deposit box was opened on 14 October 1933 and that the demand deposit account was opened on 20 October 1933. According to the Bank's record, the demand deposit account was closed on 30 June 1938 and the safe deposit box was closed on 13 October 1951. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his father's city of residence as Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including her father's birth certificate, stating his name was Paul Geiringer; a certificate, dated 18 May 1933, showing that Paul Geiringer was qualified to work as an engineer in Vienna; and her own birth certificate, showing that she was born in Vienna and that her father was Paul Geiringer, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Paul Geiringer 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 there are no other claims to these accounts. Taking all 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, and that he fled Vienna in order to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include her birth certificate, stating that her father was Paul Ludwig Geiringer.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Austria in 1938; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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; 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 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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one safe deposit box. 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 Investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. As a result, the total 1945 average value of the accounts held by the Account Owner is SF 3,380.00. 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 42,250.00.

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 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
9 March 2005