

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Bruno Glück

in re Accounts of Julius Glück

Claim Numbers: 211179/IG; 213160/IG; 214828/IG

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Bruno Glück (the “Claimant”) to the accounts of Julius Glück (the “Account Owner”) at 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 three Claim Forms identifying the Account Owner as his father, Julius Glück, who was born on 9 September 1892 in Lodz, Poland, and was married to Rachele Rapaport in Vienna, Austria. The Claimant stated that his father, who was Jewish, held Polish citizenship and resided in Vienna, where he owned a tire repair company called *Glück & Co.*, located at Rossauerlände 33, Vienna IX. The Claimant further stated that his family was quite wealthy and could afford a car and a yearly vacation to Nice, France. The Claimant indicated that soon after the German annexation of Austria (the “*Anschluss*”) his father was forewarned of his impending arrest by the *Gestapo* and therefore fled Austria for England via France using his Polish passport, while the Claimant and his mother stayed in Vienna.

According to the Claimant, his mother had to sell the family business. The Claimant stated that immediately after the company had been aryanized, his mother was deported to Poland, where she was refused entry and was detained in a camp at the border. The Claimant further stated that as soon as his father found out about his wife’s deportation, he went to Poland to rescue her. According to the Claimant, by the time his father arrived in Poland, the Second World War had already started. The Claimant stated that the last letter he received from his parents came from Lwow, Poland, and that he never heard from them again. In support of his claim, the Claimant submitted several documents, including his own birth certificate and an Application for Permission to Transfer Property (from a Jewish owner to an Aryan buyer) (*Ansuchen um Genehmigung der Veräußerung*), signed by Rachele Glück for Julius Glück on 21 June 1938 in Vienna, which indicated that the owner Julius Glück and his son Bruno resided at that time in Nice. The Claimant also submitted a letter on his father’s company letterhead dated 19 April

1938, which bears the seal *Arische Firma* (Aryan firm), in which it is asserted that Julius Glück had resigned and that the company was now being run by Arpad von Petenyi, of German-Hungarian descent. The Claimant indicated that he was born on 30 January 1919 in Vienna.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned at the Bank by his father Julius Glück. The Claimant specifically named the Bank in the Initial Questionnaire.

Information Available in the Bank Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Julius Glück, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account denominated in French Francs and a demand deposit account denominated in Swiss Francs. The demand deposit account denominated in Swiss Francs was opened on 12 September 1931 and closed on 20 December 1945. The demand deposit account denominated in French Francs was closed on 11 October 1936. The amounts in the accounts on their respective dates of closure are unknown. 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

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 three claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant identified his father's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant also identified the Bank in an Initial Questionnaire, which he filed with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Julius Glück, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). In support of his claim, the Claimant submitted documents, including his own birth certificate, an Application for Permission to Transfer Property (from a Jewish owner to an Aryan buyer) (*Ansuchen um Genehmigung der Veräusserung*), signed by Rachele Glück for Julius Glück, on 21 June 1938 in Vienna, which indicated that the owner, Julius Glück, and his son Bruno resided at that time in Nice. The Claimant also submitted a letter on his father's company letterhead dated 19 April

1938, which bears the seal *Arische Firma* (Aryan firm). The CRT notes that there are no other claims to this account.

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 fled Austria upon the German annexation, that his business was aryanized, and that his wife was deported to Poland. The Claimant also stated that both his parents disappeared in Poland during its occupation by Nazi forces during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the demand deposit account closed 11 October 1936, the CRT has determined that it is plausible that the Account Owner received the proceeds of the account because this account was closed in 1936, prior to the invasion of Austria.

With regard to the demand deposit account closed 20 December 1945, given that the Account Owner died during the Holocaust and the application of Presumptions (h) and (j), as provided in Article 28 of 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 his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the demand deposit account closed 20 December 1945.

Amount of the Award

In this case, the Account Owner held one demand deposit accounts. 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 Independent Committee of Eminent Persons (the "ICEP" or "ICEP Investigation"), in 1945 the

average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

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
June 3, 2003