

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED],
[REDACTED], and [REDACTED]

in re Account of Alfred Goldscheider

Claim Number: 401423/JW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Dr. Alfred Goldscheider (the “Account Owner”) at 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 his paternal grandfather, Dr. Alfred Goldscheider, who was born on 4 August 1858 in Sommerfeld/Lausitz, Germany, and was married to [REDACTED], née [REDACTED], on 30 August 1902 in Gross-Lichterfelde, Germany. The Claimant indicated that his grandfather was a respected doctor and professor, who worked and resided in Berlin with his wife and three children: [REDACTED], [REDACTED], and [REDACTED] (the Claimant’s father). According to documents submitted by the Claimant, [REDACTED] applied in 1933 for the position of *Marinebauführer* (manager of naval construction), but was rejected by the *Reichswehrminister* (German Ministry of War) because of his Jewish heritage. The Claimant indicated that, in a letter to the *Reichswehrminister* dated 5 December 1933 appealing this decision on behalf of his son, Dr. Goldscheider acknowledged that his grandfather was Jewish, but that neither he nor his son was Jewish. The documents submitted by the Claimant indicate that Dr. Goldscheider’s appeal was rejected on 11 January 1934. The Claimant indicated that his father fled Germany for the Netherlands in March 1935. The Claimant further indicated that his grandfather died on 10 April 1935 in Berlin.

In support of his claim, the Claimant submitted copies of: (1) his grandparents’ marriage certificate, indicating that Professor Dr. Alfred Goldscheider and [REDACTED], née [REDACTED], were married in Gross-Lichterfelde on 30 August 1902; (2) his father’s birth

certificate issued on 22 March 2005, indicating that [REDACTED] was born on 29 May 1907 in Berlin and that his parents were Dr. [REDACTED] and [REDACTED]; (3) his aunt's birth certificate dated 1 February 1905, indicating that [REDACTED] was born on 28 January 1905 and that her parents were Dr. Alfred and [REDACTED]; (4) an article detailing the life of Dr. Alfred Goldscheider published in the *Klinische Wochenschrift* in 1935; (5) letters from the *Reichswehrminister*, dated 1 December 1933 and 11 January 1934, indicating that [REDACTED]'s application for the position of naval construction manager was rejected because of his Jewish heritage; (6) a letter from Dr. Alfred Goldscheider to the *Reichswehrminister* dated 5 December 1933, acknowledging that his grandfather was Jewish; (7) the marriage certificate of [REDACTED] and [REDACTED], née [REDACTED], indicating that they were married in Berlin-Charlottenburg on 21 June 1926, and had two children: [REDACTED] and [REDACTED]; and (8) a detailed family tree.

The Claimant indicated that he was born on 13 September 1938 in 's-Gravenhage, the Netherlands. The Claimant is representing his brothers, Dr. [REDACTED], who was born on 10 February 1936 in The Hague, the Netherlands, and Dr. [REDACTED], who was born on 24 June 1944 in Zeist, the Netherlands. Additionally, the Claimant is representing his cousins (the children of [REDACTED] and [REDACTED]), Dr. [REDACTED], who was born on 23 March 1932 in Berlin-Schoneberg; and [REDACTED], née [REDACTED], who was born on 12 December 1938 in Berlin-Charlottenburg.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Professor Dr. Alfred Goldscheider, who resided in Charlottenburg, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered L 1829. The Bank's record indicates that the account was opened on 7 February 1933 and closed on 3 July 1933. The Bank's record does not indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's paternal grandfather's name matches the published name of the Account Owner. The Claimant identified the Account Owner's professional title, city and country of residence, which match unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his paternal grandparents' marriage certificate, his father's birth certificate, his aunt's birth certificate, and a news article detailing the life of Dr. Alfred Goldscheider, providing independent verification that the person who is claimed to be the Account Owner had the same name, professional title, and resided in

the same town recorded in the Bank's record as the name, professional title, and city of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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 considered by Nazi authorities to be Jewish and that he resided in Germany until his death in 1935. The CRT also notes that the Claimant stated that the Account Owner's son was refused a position with the Nazi regime on the basis of his Jewish heritage. In support of his claim, the Claimant also submitted letters from the *Reichswehrminister* indicating that [REDACTED]'s application was rejected because of his Jewish heritage.

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 documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include his grandparents' marriage certificate, his father's birth certificate, and his aunt's birth certificate. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

In this case, the Account Owner held one custody account that was closed on 3 July 1933. Given that after coming to power in 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 remained in Germany until his death in 1935, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; 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 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,¹ 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.

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 paternal grandfather, 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 account.

Amount of the Award

In this case, the Account Owner held one custody 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). 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 162,500.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant and his two brothers, whom he represents, are the children of the Account Owner’s son [REDACTED], and the Claimant’s two cousins, whom he represents, are the children of the Account Owner’s daughter [REDACTED]. Accordingly, the Claimant and his two brothers are entitled to share one-half of the award amount, or one-sixth each, and represented parties Dr. [REDACTED] and [REDACTED], née [REDACTED], are entitled to share one-half of the award amount, or one-fourth each. The exact division of the Award amount is set forth below.

Claimant	SF 27,083.34
Dr. [REDACTED]	SF 27,083.33
Dr. [REDACTED]	SF 27,083.33
Dr. [REDACTED]	SF 40,625.00
[REDACTED], née [REDACTED]	SF 40,625.00
TOTAL	SF 162,500.00

Michael Goldscheider

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
9 November 2006