

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ruth Sax
also acting on behalf of Karel (Charles) Goldschmied
and Felix Goldschmied

in re Account of Walter Goldschmied

Claim Number: 218344/DE

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ruth Sax, née Goldschmied (the “Claimant”) to the accounts of Oskar Goldschmied and Erna Goldschmied, née Kohn.¹ This award is to the unpublished account of Walter Goldschmied (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).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 a Claim Form and an Initial Questionnaire identifying the Account Owner as her paternal uncle, Walter Goldschmied, who was born in Pohorelice, Czechoslovakia (now the Czech Republic) and was married to Hildegard (Hilde), née Wagner, in Pohorelice. In a telephone conversation with the CRT, the Claimant indicated that her aunt and uncle had two sons, Felix and Karel (Charles), and resided in Kralovepole, a suburb of Bruno, Czechoslovakia (now the Czech Republic), where her uncle owned a home with his parents, Klara and Josef Goldschmied. According to the Claimant, her uncle, who was Jewish, owned a leather wholesale company named “Lustig.” The Claimant indicated that her uncle was deported first to a ghetto in Bruno and then to Theresienstadt. The Claimant indicated that Walter Goldschmied survived the War and returned home to his family but died one year later in an automobile accident.

¹ The CRT did not locate accounts belonging to Oskar Goldschmied or Erna Goldschmied, née Kohn, in the Account History Database 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”).

In support of her claim, the Claimant submitted copies of several documents including her parents' marriage certificate, which indicates that Oskar Goldschmied and Erna Kohn, who were Jewish, were married on 12 May 1925 in Pohorelice.

The Claimant indicated that she was born on 6 July 1928 in Mährisch Schönberg, Czechoslovakia (now the Czech Republic). The Claimant is representing her cousins, Karel (Charles) Goldschmied and Felix Goldschmied, who are the children of Walter and Hildegard Goldschmied.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Walter Goldschmied. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account of unknown type, numbered 35750, which was suspended by the Bank on 25 October 1961. The balance of the account on the date it was suspended was 6.05 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

The CRT notes that there are no other claims to this account. Taking all of 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, that he lived in Nazi occupied Czechoslovakia, and that he was deported first to a ghetto in Bruno and then to Theresienstadt.

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 demonstrating that the Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom the Claimant is representing.

The CRT notes that the Claimant submitted a copy of her parents' marriage certificate which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her claim form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended by the bank on 25 October 1961 and that it remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the parties the Claimant represents. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was the father of the represented parties, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that the represented parties, as the Account Owner's children, have a better entitlement to the accounts than the Claimant, as the Account Owner's niece.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the unknown account as of 25 October 1961 was SF 6.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 261.05. 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, to produce a total award amount of SF 49,375.00.

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 is representing her cousins, the children of the Account Owner. Accordingly, the represented parties are each entitled to one-half of the total award amount. As noted above, the Claimant is not entitled to share in the award.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research 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
4 February 2008