

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 maternal aunt, [REDACTED], née [REDACTED], who was born on 11 October 1902 in Vienna, Austria, and was married to [REDACTED] on 28 June, 1931 in Vienna. The Claimant indicated that her aunt, who was Jewish, was a teacher who owned a kindergarten by the name of *Heim der Kinder*, located at Schottenfeldgasse 72, in Vienna XII. The Claimant further stated that her aunt resided at Heissgasse 8, in Vienna. According to the Claimant, her aunt and uncle fled from Austria to St. Louis, Missouri, the United States, sometime in 1939 and were forced to leave all of their possessions behind. The Claimant indicated that her aunt died on 13 November, 1976, in New York, the United States.

In support of her claim, the Claimant submitted the birth certificate of [REDACTED], indicating that she was born in Vienna to [REDACTED] and [REDACTED]; the death certificate of [REDACTED]; the marriage certificate of [REDACTED] and [REDACTED], indicating that they resided in Vienna; the Last Will of [REDACTED], bequeathing her estate to her sister, [REDACTED], and in the event that [REDACTED] pre-deceased her, to [REDACTED]'s children; and a copy of her own birth certificate, indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant further submitted a copy of [REDACTED]'s asset registration from 1938, numbered [REDACTED], which is described in detail below.³

The Claimant indicated she was born on 15 January, 1938 in Vienna. The Claimant is representing her brother, [REDACTED], who was born on 26 January, 1935 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a customer card, a list of dormant accounts prepared by the Bank in the course of an internal survey of dormant accounts in 1959, and printouts from the Bank's database. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about the Account Owner's assets ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a form confirming a deposit made into a custody account, an acknowledgement of general terms and conditions applying to custody accounts, a signature sample card, documents relating to the 1945 freeze of assets held in Switzerland by citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"), an additional customer card, and listings of accounts.

³ By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census").

According to these records, the Account Owner was Grete (Margarete) Golz, née Spitzer, who resided initially at Kirchengasse 18, in Vienna, Austria, and later at Schottenfeldgasse 72, in Vienna. The Bank's records indicate that the Account Owner held one savings/passbook account, numbered [REDACTED], the booklet for which she deposited into a custody account on 18 March 1925. The Bank's records further indicate that the custody account was closed some time in 1927. The Bank's records also indicate that the last contact with the Account Owner took place in 1932. According to the Bank's records, the savings/passbook account was blocked in the 1945 Freeze. The amount in the account on 17 February 1945 was 803.40 Swiss Francs ("SF"). The Bank's records indicate that the balance of the account on 7 June 1955 amounted to SF 772.70, and that the account was unblocked on 27 June 1955.

The Bank's records indicate that the savings/passbook account was transformed by the Bank into a demand deposit account, numbered 267.170, on 8 November 1955. The Bank's records further indicate that the account was included in the Bank's internal survey of dormant accounts in 1959, and that the balance of the account in 1959 was SF 739.00. The last known date of the existence of the account is 29 September 1980. The Bank's records do not indicate when the account was closed.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Margarete Golz, numbered [REDACTED]. According to these documents, Margarete Golz was born on 11 October 1902, was married to [REDACTED], resided at Hiessgasse 8, in Vienna III, and was a teacher who owned a kindergarten by the name of *Heim der Kinder*, located at Schottenfeldgasse 72, Vienna VII. These records further indicate that Margarete Golz's property at Hiessgasse 8 was valued at 25,650.00 Reichsmark ("RM"), and that she owned securities valued at RM 74.00. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's aunt's name matches the published name of the Account Owner. The Claimant identified her aunt's address in

Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's records. Additionally, the Claimant provided the street address of her aunt's place of employment, which matches an unpublished address contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her aunt's birth and marriage certificates, identifying her as [REDACTED], née [REDACTED], and indicating that she resided in Vienna, 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 records as the name and city of residence of the Account Owner. Additionally, the CRT notes that the name Margarete Golz-Spitzer appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution. Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different maiden name than the maiden name 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 Jewish, that she submitted an asset registration pursuant to the 1938 Census, and that she was forced to flee from Austria in 1939.

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 aunt. These documents include the Last Will of [REDACTED], identifying her sister as [REDACTED], and a copy of the Claimant's birth certificate, indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

In this case, the Bank's records indicate that the Account Owner held a custody account that was closed in 1927 and a savings/passbook account that was closed on an unknown date.

With regard to the custody account, the CRT notes that according to Article 14 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT shall have jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss banks during the Relevant Period. According to Article 46(20) of the Rules, the Relevant Period is the period from 1 January 1933 to 31 December 1945. Consequently, the CRT concludes that it does not have the authority to treat the claim to this account. The CRT notes, however, that the account appears to have been opened solely for the purpose of safekeeping the booklet to the savings/passbook account.

As for the savings account, given that the Account Owner fled from Austria in 1939; that the account was included in the 1945 freeze of assets held in Switzerland by citizens of Germany and other territories incorporated into the Reich; that the Bank's records indicate that the account was included in the Bank's 1959 internal survey of dormant accounts; that there is no record of the payment of the Account Owner's account to her, nor any record of the date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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; 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 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 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 aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Award is for one savings/passbook account. The Bank's records indicate that the value of the account as of 17 February 1945 was SF 803.40. According to Article 29 of the Rules, if the amount in a savings/passbook was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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. In this case, the Claimant is representing her brother, [REDACTED]. Consequently, the Claimant and her brother are each entitled to one-half of the total award amount.

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
23 June 2006