

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Leizer Gorowitz

Claim Number: 003512/AH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Leizer Gorowitz (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 paternal uncle, Leizer Gorowitz, who was born in Romania in approximately 1901. The Claimant stated that she was a young child during the Second World War, and because her entire family was killed in the Holocaust, she cannot recall many details about her uncle. The Claimant indicated that her uncle, who was Jewish, owned a textile factory in Romania, until it was confiscated, and in 1942 he was deported to Transnistria, where he was killed. The Claimant further stated that she is her uncle’s sole heir, as she is the only person in her family who survived the Holocaust. The Claimant submitted her birth and marriage certificates indicating her family’s name, Gorowitz, and Romanian origins. The Claimant stated that she was born on 30 August 1934 in Jedinez, Romania, and that she has two children, [REDACTED] and [REDACTED], née [REDACTED], whom she represents in her claim.

Information Available in the Bank Records

The bank record consists of an extract from a suspense account ledger. According to this record, the Account Owner was Leizer Gorowitz, from Romania. The bank record indicates that the Account Owner held an account of an unknown type, and that on 11 December 1948, after ten years without customer contact, the account was transferred by the Bank to a suspense account. The amount in the account on the date of its suspension was 96.50 Swiss Francs.

The bank record does not show when the account at issue was closed, or to whom it was paid. 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. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records 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 CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and country of residence. Nevertheless, the Claimant’s paternal uncle’s name and country of residence match the published name and country of residence of the Account Owner contained in the bank records. In support of her claim, the Claimant submitted documents, including her birth and marriage certificates indicating her family’s name and their Romanian origins. The CRT notes that there are no other claims to this account. The CRT further notes that Gorowitz is a unique name, as it appears only once on the 2001 published list of accounts determined by ICEP to be possibly or probably those of victims of Nazi persecution. Considering the unique names of the Claimant and the Account Owner, their Romanian nationalities, and the fact that there are no other claimants to this account, the CRT concludes that the Claimant has plausibly identified the Account Owner as her paternal uncle.

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 his business was confiscated, and that in 1942 he was deported to Transnistria, where he was killed.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her paternal uncle. The Claimant stated that she is her uncle’s sole heir, being the only person in her family who survived the Holocaust. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the Account Owner’s death in the Holocaust and the application of Presumptions (h), (i), and (j), as contained 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 Owners 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 uncle, 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 claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The bank record indicates that the value of the account as of 11 December 1948, was 96.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of an unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23 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 children, [REDACTED] and [REDACTED], née [REDACTED]. Accordingly, the Claimant, as the niece of the Account Owner, has a better entitlement to the account than her children and is, therefore, entitled to 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
May 15, 2003