

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Else Grosner

Claim Numbers: 211502/PY¹

Award Amount: 15,916.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Else Grosner (the “Account Owner”) at the Zurich branch of [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 mother-in-law, Else [REDACTED], formerly known as Else Grosner, née [REDACTED], who was born on 25 November 1891 in Vienna, Austria, to [REDACTED] and [REDACTED]. The Claimant stated that his mother-in-law, who was Jewish, was married to [REDACTED] in approximately 1910, and that she resided in Vienna III at Rudolph von Altplatz 6. The Claimant further stated that [REDACTED] was very wealthy and may have had assets in Switzerland. According to the Claimant, his parents-in-law had only one child: [REDACTED], formerly known as [REDACTED], née [REDACTED]. According to the Claimant, [REDACTED] married [REDACTED] in Vienna in 1936, and they divorced a year later. The Claimant stated that [REDACTED] died in 1936 in Vienna. Else Grosner and [REDACTED] applied for visas to enter Switzerland in 1938 but were denied. The Claimant explained that they then left Vienna, travelling first to Rome, Italy, and then to Zurich, Switzerland, where they obtained visas to enter France, before finally fleeing to the United States. [REDACTED] and the Claimant were married on 20 April 1956 in New York, New York. The Claimant stated that his mother-in-law remarried in the United States, and that she remained there until her death on 30 March 1984. Finally, the Claimant stated that [REDACTED] died on 13 March 2000 in

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 211501. The CRT will treat the claim to this account in a separate decision.

Lantana, Florida. In support of his claim, the Claimant submitted the Austrian census forms for Else Grosner and [REDACTED]; Else Grosner's death certificate; and [REDACTED]'s death certificate, indicating her husband was [REDACTED] and her parents were [REDACTED] and [REDACTED]. In addition, the Claimant submitted a certificate of letters testamentary indicating that he is the executor of [REDACTED]' estate. The Claimant indicated that he was born on 30 October 1920 in New York, New York.

Information Available in the Bank's Records

No bank records belonging to the accounts of Else Grosner were found by the auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation").

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Else Grosner, numbered 25208, which are dated 15 July 1938. The Austrian census records show that Else Grosner, who was Jewish, was born on 25 November 1891 and resided at Rudolph von Altplatz 6 in Vienna III. The records further indicate that Else Grosner was the heir to the estate of her deceased husband, [REDACTED], and that she fled Austria together with her daughter, [REDACTED], in August 1938. The Austrian census records indicate that Else Grosner owned a 20% share in a mechanical weaving company known as *Seidler, Weiss, & Grosner* located in Seifenbach, Czechoslovakia, which was valued at approximately 50,000.00 Reichsmarks (1938 value) and real estate worth approximately 80,000.00 Reichsmarks (1938 value). The records also show that Else Grosner owned a considerable number of stocks and bonds, including those in foreign companies, which were worth approximately 114,000.00 Reichsmarks (1938 value), as well as savings and bank assets worth approximately 30,000.00 Reichsmarks (1938 value). Among the bank assets listed are two demand deposit accounts at the Bank, one with a balance of 203.50 United States Dollars, as of 15 July 1938, and one with a balance of 384.00 Swiss Francs, as of 15 July 1938.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother-in-law's name matches the unpublished name of the Account Owner contained in the Austrian census

records. The Claimant identified his mother-in-law's date of birth and street address, as well as the name of her first husband and that of her daughter, all of which match unpublished information about the Account Owner contained in the Austrian census records. In support of his claim, the Claimant submitted documents, including the Austrian census form for Else Grosner, and [REDACTED]' death certificate, which indicates that she was married to the Claimant and that her parents-in-law were Elsie and [REDACTED] Grosner. Finally, the CRT notes that there are no other claims to these accounts.

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, and that she was forced to flee Austria, via Italy, Switzerland and France, to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his wife's death certificate, demonstrating that Else Grosner is his mother-in-law.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the Account Owner was forced to flee Austria after the *Anschluss*; that there is no record of the payment of the Account Owner's accounts to her; and given the application of Presumption (d), (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 his mother-in-law, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. The Austrian State Archives records indicate that the values of the demand deposit accounts as of 15 July 1938 were 203.50 United States Dollars, which is equivalent to 889.30 Swiss Francs,² and 384.00 Swiss Francs, respectively. Thus, the total historic value of the accounts at issue was 1,273.30 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. In this case, because the Account Owner herself declared the total value of the accounts to be 1,273.30 Swiss Francs, thus the total historic value of the accounts at issue shall be used to determine the current value of the award amount. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Thus, the total award amount is 15,916.25 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
19 November 2003

² The CRT uses official exchange rates to calculate the account values in Swiss Francs.