

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

Claimant [REDACTED 2],
represented by [REDACTED],

and Claimant [REDACTED 3]

in re Account of Rosa Grossmann

Claim Numbers: 001940/AZ, 005072/AZ, 210659/AZ¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Joshua Grossmann and the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Rosa Grossmann.² This Award is to the published account of Rosa Grossmann (the “Account Owner”) at the Zurich-Altstetten 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Rosa Grossmann, née Schwartz, who was married to [REDACTED] in 1920 in Gherla,

¹ Claimant [REDACTED 3] submitted one additional claim, which is registered under the Claim Number 214720. The CRT will treat this claim in a separate determination.

² The CRT will treat Claimant [REDACTED 1]’s claim to the account of Joshua Grossmann in a separate determination.

Romania.³ In a telephone conversation with the CRT on 1 June 2006, Claimant [REDACTED 1] stated that her mother, who was Jewish, was born in 1896 in Romania. Claimant [REDACTED 1] indicated that her family lived in Roman, Romania, where her parents owned a liquor store. Claimant [REDACTED 1] further indicated that there were riots in Roman in 1938 and that the area was occupied by the Nazis in 1940, after which her family performed slave labor in a local hospital. Claimant [REDACTED 1] stated that her family's assets, including her parents' apartment, were looted by the Nazis in 1942. Claimant [REDACTED 1] indicated that her mother died in Romania in 1988.

Claimant [REDACTED 1] indicated that she was born on 5 July 1921 in Romania. Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting her entitlement to a Swiss bank account owned by herself or her family.⁴

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her mother Rosa (Rozalia, Rachel) Greenstein, née Grossmann, who was born on 1 May 1909 in Czechoslovakia and was married to [REDACTED] in 1931 in Czechoslovakia. Claimant [REDACTED 2] indicated that that her family, which was Jewish, lived in Nemecka Poruba, Czechoslovakia (now Slovakia) and that beginning in 1939, the area fell under Nazi control, with frequent riots and the imposition of anti-Jewish laws and restrictions. According to Claimant [REDACTED 2], her family's property was looted in 1942 and, in 1944, she and her family were deported to an agricultural slave labor camp. Claimant [REDACTED 2] stated that in September 1944, her family escaped from the camp and hid in the woods until they were captured in January 1945. Claimant [REDACTED 2] further stated that upon their capture, her father was deported to Sachsenhausen, Germany and she, her mother, and her siblings were deported to Theresienstadt. Claimant [REDACTED 2] indicated that her father died in Haifa, Israel in 1979 and that her mother died in Haifa in 1985.

In support of her Claim, Claimant [REDACTED 2] submitted copies of documents, including 1) her mother's birth certificate, indicating that Rozalia Grosman was born on 1 May 1909 in Kelca, Slovakia, and that her father's name was [REDACTED]; 2) her mother's citizenship certificate, issued in 1946, indicating that Ruzena Grünstein, née Grossman, was born on 1 May 1909 in Kelca in Nem. Poruba and that in 1946 she lived in Michalovce, Czechoslovakia (today Slovakia); 3) her parents' Last Will, dated 8 January 1978, indicating that if either [REDACTED] or [REDACTED] died, their entire estates would go to the surviving spouse and that if they both died, their entire estates would go to their eldest daughter, Claimant [REDACTED 2]; and 4) her mother's death certificate, dated 18 November 1985, indicating that Rachel Greenstein was born in 1909, that she was Jewish, and that her father's name was Chaim [REDACTED].

³ In her Claim Form, Claimant [REDACTED 1] spelled her mother's name in Hebrew characters. In a telephone conversation with the CRT on 1 June 2006, Claimant [REDACTED 1] indicated that she does not know the spelling of her mother's name in Latin characters and that it could have been spelled in different ways.

⁴ The CRT will treat Claimant [REDACTED 1]'s claim to the account of Sarah Engel, née Grossmann, in a separate determination.

Claimant [REDACTED 2] indicated that she was born on 11 May 1933 in Nemecka Poruba. Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1997, asserting her entitlement to the account of her mother, Rozalia Grossmann, and her paternal uncle, [REDACTED], and an IQ with the Court in 1999, asserting her entitlement to the account of her mother, Rachel Greenstein, née Grossmann.⁵

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his sister, Rosa Weinberger, née Grossman (Grossmann), who was born in 1910 in Budszentmihay, Hungary and was married to [REDACTED]. Claimant [REDACTED 3] stated that his sister, who was Jewish, owned a business as a hat maker in Hungary. Claimant [REDACTED 3] further stated that his father, [REDACTED], opened Swiss bank accounts for each of his children, including Claimant [REDACTED 3]'s sister, Rosa. Claimant [REDACTED 3] indicated that his sister and her children perished in Auschwitz in 1944 and that her husband died in the United States in 1995. In support of his claim, Claimant [REDACTED 3] submitted his birth certificate, indicating that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 3] indicated that he was born on 14 November 1914 in Budszentmihay.

Information Available in the Bank's Records

The Bank's records consist of lists of dormant accounts and a printout from the Bank's database. According to these records, the Account Owner was Rosa Grossmann. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 5706. The Bank's records indicate that the account was transferred to a suspense account for dormant assets on 10 September 1973 with a balance of 149.00 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

⁵ The CRT will treat Claimant [REDACTED 2]'s claim to the account of [REDACTED] in a separate determination.

Identification of the Account Owner

The Claimant's relative's names each match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rosa Weinberger, née Grosman, and indicates that she lived in Nyiregyhaza, Hungary (which is approximately 25 kilometers from Budszentmihaly), which matches the information about the Account Owner provided by Claimant [REDACTED 3]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Additionally, the CRT notes that Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1997 and an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 2] has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

The CRT further notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her or her family, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 1] had reason to believe that her relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because those claimants provided a different name spelling than the name spelling of the Account Owner, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that she lived in Romania, that she performed slave labor in a local hospital, and that her assets were

looted by the Nazis. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she lived in Czechoslovakia, and that she was deported to an agricultural slave labor camp and then to Theresienstadt. Finally, Claimant [REDACTED 3] stated that the Account Owner was Jewish and that she perished at Auschwitz. As noted above, a person named Rosa Weinberger, née Grosman, was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s mother. These documents include Claimant [REDACTED 2]'s parents' will, identifying the Account Owner as her mother.

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s sister. The CRT notes that Claimant [REDACTED 3] identified information which matches information contained in the Yad Vashem records and that he submitted a copy of his birth certificate, which provides independent verification that Claimant [REDACTED 3]'s relatives bore the same family name as the Account Owner. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her mother, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his

sister, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the balance of the account as of 10 September 1973 was SF 149.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1973 to produce an amount of SF 584.00. According to Article 29 of the Rules, if the amount in a savings/passbook account 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 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] are each entitled to one-third of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
28 June 2006