

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Helene Grosz and Josef Grosz

Claim Number: 500142/LK

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Helene Grosz. This Award is to the accounts of Helene Grosz and Josef Grosz (the “Account Owners”) at 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 Claimants

The Claimant submitted a Claim Form identifying the Account Owners as his paternal great-uncle, Josef Grosz, and his paternal great-aunt, Helene Grosz, who were both born in the late 1800’s in Hungary. The Claimant stated that his great-uncle and great-aunt, who were Jewish, lived in Arad, Hungary and that Helene Grosz moved to Israel in the late 1940’s, where she died in 1950, and that Josef Grosz died in Arad on an unknown date. The Claimant further stated that his relatives, who had no children, had a particular fondness for the Claimant’s father, [REDACTED]. The Claimant added that his great-uncle and great-aunt had large real estate holdings in Romania and Hungary, and that their assets were confiscated by the Nazi Regime. According to the Claimant, his parents previously informed him that Helene Grosz had assets in the Swiss banks. In support of his claim, the Claimant submitted a family tree. The Claimant indicated that he was born on 28 December 1927 in Cluj, Romania.

Information Available in the Bank's Record

The Bank's record consists of an opening card. According to this record, the Account Owners were Josef Grosz and Helene Grosz of Arad and Budapest. The Bank's record indicates that Helene Grosz held three demand deposit accounts and two custody accounts, numbered 3007 and 4174. The Bank's record also shows that Josef Grosz owned a custody account that was opened

on 26 February 1938. The Bank's record indicates that of the accounts owned by Helene Grosz, one of the demand deposit accounts was closed on 26 August 1938; the custody account, numbered 4174, was closed on 20 September 1938; and the two other demand deposit accounts were closed on 30 September 1939. The Bank's record does not show when the custody account numbered 3007 or the custody account belonging to Josef Grosz were closed. The Bank's records also does not state to whom any of the accounts at issue were paid or the values of these accounts. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified his great-aunt and great-uncle, Helene Grosz and Josef Grosz, as the Account Owners identified in the Bank's records. His great-aunt's name matches the published name of one of the Account Owners. The Claimant identified his great-uncle as the other Account Owner, which matches unpublished information about the Account Owners contained in the Bank's record. The Claimant also identified his great-uncle's and great-aunt's city of residence, Arad, which also matches unpublished information about the Account Owners contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owners other than their names and cities of residence. Furthermore, the CRT notes that there are no other claims to the accounts of Helene Grosz and other claims to the account of Josef Grosz were disconfirmed due to inconsistent information provided by the other Claimants regarding the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that their assets were confiscated by the Nazi Regime.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting a family tree and specific biographical information about his great-aunt and great-uncle, with whom he shares the same surname. As stated above, the Claimant identified specific information about the Account Owners as contained in the Bank's records and the Claimant was able to identify his great-uncle, Josef Grosz, as the other Account Owner, which matches unpublished information.

The Issue of Who Received the Proceeds

Regarding the custody account numbered 3007 and the custody account belonging to Account Owner Josef Grosz, both closed on unknown dates, given that there is no record of the payment

of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about the accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) 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 Owners or their 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.

Regarding the demand deposit account and custody account closed in 1938, and the two demand deposit accounts closed in 1939, the CRT has decided not to reach a decision at this time, pending further consideration as to whether or not the Account Owners or their heirs received the proceeds of these 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 Owners were his great-uncle and great-aunt, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the custody account numbered 3007 and the custody account belonging to Account Owner Josef Grosz, both closed on unknown dates.

Amount of the Award

In this case, Account Owner Helene Grosz held one custody account and Account Owner Josef Grosz held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 325,000.00 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
September 30, 2003