

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Solomon M. Grünberg

Claim Number: 005351/AY

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].² This Award is to the account of Solomon M. Grünberg (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 father, Solomon Grünberg, who was born on 30 July 1927 in Bucharest, Romania, and was married to [REDACTED], née [REDACTED], in that city. The Claimant further stated that between 1939 and 1941, the family, which was Jewish, escaped from Romania to Switzerland, but that they were eventually deported from Switzerland and had no choice but to return to Romania. The Claimant indicated that when they returned, they found that all their property was gone. The Claimant further indicated that her father interned in a forced labor camp between the years 1942 and 1944. According to the Claimant, after her father’s release he was unable to study due to the laws of the Communist regime and he started working in the print industry, working later for the Custom Office before he was forced into early retirement due to cancer. The Claimant stated that the family immigrated to Israel in 1992 and that her father died in 1994. The Claimant further stated that her father frequently told his wife that there was an account in Switzerland. The

¹ The Claimant provided her name and some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

² The CRT will treat the claim to this account in a separate decision.

Claimant stated during a telephone conversation with the CRT on 28 January 2003, that she did not know whether her father used a middle name. The Claimant also explained that her grandfather, [REDACTED], had a printing house at 98 Matei Voevod Street in Bucharest, and a second printing house with a bookstore located on the ground floor, and an apartment on the second floor at Georgi Marinescu Street in Bucharest. The Claimant submitted her father's death certificate, indicating he was born in Bucharest on 30 July 1927 to [REDACTED], and a certificate issued by the Romanian government indicating her father was interned in a forced labor camp between 10 April 1942 and 21 August 1944. The Claimant further submitted her birth certificate, issued in Bucharest on 20 June 1959, indicating she is the daughter of Solomon and [REDACTED] Grünberg. The Claimant indicated that she was born on 17 June 1959 in Bucharest.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a printout from the Bank's database of numbered accounts. According to these records, the Account Owner was Solomon M. Grünberg, who resided in Romania. The Bank's records indicate that the Account Owner held a numbered account of an unknown type, numbered 7481. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

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's 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 Claimant's father's name matches the unpublished name of the Account Owner. The Claimant identified her father's place of residence, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and country of residence. In support of her claim, the Claimant submitted documents, including her father's death certificate indicating he was born in Bucharest on 30 July 1927 to [REDACTED], and a certificate issued by the Romanian government indicating her father was interned in a labor camp between 10 April 1942 and 21 August 1944. The Claimant further submitted her birth certificate, issued in Bucharest on 20 June 1959, indicating she is the daughter of Solomon and [REDACTED] Grünberg. The documents submitted by the Claimant provide independent verification

that the person who is claimed to be the Account Owner resided in the same country recorded in the Bank's records as the residence of the Account Owner. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than that of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified 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, and that he and his family escaped from Romania to Switzerland. The Claimant further indicated that when they were deported from Switzerland, they had no choice but to return to Romania, and her father was later interned in a forced labor camp between 10 April 1942 and 21 August 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including his own birth certificate, demonstrating that he was her father.

The Issue of Who Received the Proceeds

Given that the account survived the Second World War; given that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about the account from the Bank's after the war due to the Swiss bank's practice of withholding or misstating account information in their responses to inquiries by account owners because of the Bank's 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 Owner 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 father, 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. 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 ICEP Investigation, in 1945 the average value of an account of an unknown type was 3,950.00 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 49,375.00 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 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
19 November 2003