

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Max Grünfeld

Claim Numbers: 771398/HB¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (“the Claimant”) to the accounts of Ladislaus Grünfeld and Renée Grünfeld.² This award is to the published accounts of Max Grünfeld (the “Account Owner”) at the Geneva 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 two Initial Questionnaires (“IQs”), and, in a subsequent telephone conversation, the Claimant identified the Account Owner as her paternal uncle, Max Grünfeld, who was born on 26 or 27 August 1890 in Vienna, Austria, and was married prior to 1926 to [REDACTED]. According to the Claimant, Max Grünfeld, who was Jewish, was the eldest brother of her father [REDACTED]. The Claimant stated that Max Grünfeld and his two brothers were involved in the wine and spirits wholesale and retail business.

¹ [REDACTED] (“the Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered ENG-0053-165 and ENG-0053-166, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 771397 and 771398, respectively.

² The CRT did not locate an account belonging to Ladislaus Grünfeld in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant was previously awarded the account of Renée Grünfeld by the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001 (decision approved on 10 December 2000).

The Claimant indicated that Max Grünfeld resided in Vienna, then between 1933 and 1944, at Vorosmarty utca 11 in Budapest, Hungary. The Claimant stated that her uncle fled, along with a group of Hungarian Jews, to Bucharest, Romania in 1944 and returned to Budapest in approximately 1945. The Claimant indicated that her uncle moved to Australia in 1947, and returned to Budapest in approximately 1967. According to the Claimant, Max Grünfeld died in Budapest in December 1973.

The Claimant stated that her parents, including her father, the brother of Max Grünfeld, were deported by Nazi soldiers from Budapest to Bergen Belsen concentration camp in June 1944, and that they were later transferred to an immigrant center in Caux sur Montreux, Switzerland.³ According to the Claimant, her mother had deposited money in a Swiss bank in Geneva in 1939, and this fact allowed her and some family members to leave the immigrant center for Geneva. The Claimant stated that her parents were repatriated to Hungary following the end of the War.

In support of her claim, the Claimant submitted documents, including: (1) her uncle [REDACTED]'s marriage certificate, dated 18 March 1926 in Budapest, indicating that [REDACTED] was married to [REDACTED], that his father was [REDACTED], that his mother was [REDACTED], that he was born in Vienna, and that he resided at Josika utca 10 in Budapest; (2) a notarized certificate, dated 10 April 1948 in Vienna, indicating that [REDACTED] was born on 16 August 1891 in Vienna, and that his father was [REDACTED], and his mother was [REDACTED], née [REDACTED]; and (3) bank records indicating that [REDACTED] of Budapest held an account at the Bank.

The Claimant indicated that she was born on 28 April 1937 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a list of account owners. According to these records, the Account Owner was Max Grünfeld, who resided in Hungary. The Bank's records indicate that the Account Owner held one custody account, numbered 16901, and one demand deposit account. According to the Bank's records, the custody account was opened on 19 August 1939 and was closed on 6 April 1945, and the demand deposit account was opened on 5 May 1939 and was closed on 24 October 1949. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

³ The CRT notes that the Claimant did not state that her relatives arrived in Switzerland on the Kastner Train, but, based upon her description of the events, it is likely that they did. The "Kastner Train" (or the "Kastner Transport") refers to a trainload of approximately 1,684 Jews who fled, in 1944, from Nazi-allied Hungary. The train was named after Rudolf Kastner, a Hungarian Jewish leader who was a principal player in the negotiations that led to the rescue of these Jews for a ransom of cash, jewels, gold, and shares of stock. Despite the agreement that the train would go directly to a neutral country, it went to Bergen-Belsen. Several hundred of the Jews in that train were sent later to Switzerland. See <http://www.scrapbookpages.com/BergenBelsen/BergenBelsen06.html>.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's country of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the name Max Grünfeld appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the Claimant filed IQs with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Renée and Ladislaus Grünfeld, prior to the publication of the 2005 List. This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the 2005 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 2005 List. It also indicates that the Claimant had reason to believe that her relatives owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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 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 fled Hungary to Bucharest, Romania due to Nazi persecution during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's uncle.

The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's accounts in this decision.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant filed IQs with the Court in 1999, prior to the publication of the 2005 List. The CRT further notes that the Claimant submitted a copy of [REDACTED]'s marriage and birth certificates, which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and

that they resided in Hungary. Finally, 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the custody account was closed on 6 April 1945, that the demand deposit account was closed on 24 October 1949. The CRT notes that the Account Owner's custody account was closed prior to the end of the War, at which time the Account Owner was a refugee, and that the demand deposit account was closed while the Account Owner resided in Australia. However, given that the Account Owner fled from Hungary to Bucharest in 1944 due to Nazi persecution; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 inquiries 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 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit 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 ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. The current value of these amounts 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 SF 189,250.00.

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
September 2008