

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Elias Bendett Grünglas

Claim Number: 221831/JG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Elias Bendett Grünglas (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 her father, Elia (Elias) Grünglas. The Claimant stated that her father, who was Jewish, was born in approximately 1902 or 1903 in Bedevla, Czechoslovakia (now Ukraine), and was married to [REDACTED] in approximately 1925 or 1926 in Tecso, Czechoslovakia (later part of Hungary, now Tyachiv, Ukraine). The Claimant stated that her paternal grandparents were [REDACTED] and [REDACTED]. The Claimant further stated that until approximately 1939 or 1940, she lived with her parents, her brother [REDACTED], and her sisters [REDACTED] and [REDACTED] in Trieste, Italy, at *Pension Grünglas*, a small hotel owned by their family and located at Via Torrebianca 25.

The Claimant indicated that in approximately 1939 or 1940, her father was expelled from Italy because he was Jewish. The Claimant’s parents were forced to sell their assets, including *Pension Grünglas*, its contents, and a summer home in Grado, Italy. The Claimant explained that her family moved to her father’s hometown of Tecso with the hope of eventually continuing on to England. The Claimant stated that her parents deposited all of their assets into a Swiss bank account, knowing that the situation in Tecso, at the time newly occupied by Hungary, was not stable. In 1944, however, the Claimant and her family were forced to live in the Tecso ghetto for six weeks, after which time they were all deported to Auschwitz. The Claimant indicated that she last saw her father alive in August 1944 at Auschwitz, and that she is the sole member of her immediate family to survive the camp.

The Claimant stated that she learned from her surviving cousin, [REDACTED], that her father owned a Swiss bank account. According to the Claimant, her father also told [REDACTED] the “code name” for this account, but [REDACTED] was unable to remember it due to a post-War illness.

In support of her claim, the Claimant submitted copies of the following documents: (1) her own Canadian passport, indicating that [REDACTED] was born on 18 May 1930 in Trieste, Italy; (2) a letter written by the Claimant’s father on *Pension Grünglas* stationary dated 18 January 1939, signed by Elia Grünglas and addressed to his brother-in-law, [REDACTED], in the United States, in which he requests help to flee Italy for the United States; (3) the Claimant’s school attendance sheet from Trieste, which lists twenty-four names, including that of [REDACTED] and indicates that her father was Elia, an *albergatore* (“hotel manager”); and (4) the Claimant’s Immigration Identification Card, stamped by Canada Immigration at Halifax, Nova Scotia on 21 March 1948, which indicates that [REDACTED] was an immigrant in Canada.¹

The Claimant indicated that she was born on 18 May 1930 in Trieste. The Claimant previously submitted two Initial Questionnaires (“IQ”) to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Elia (Elias) Grünglas and [REDACTED].

Information Available in the Bank’s Records

The CRT notes that 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 report an account belonging to Elia or Elias Grünglas during their investigation. The documents evidencing an account belonging to Elias Bendett Grünglas were obtained from archival sources.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Elias Bendett Grünglas, numbered 679.

According to these records, the Account Owner was Elias Bendett Grünglas, who also used the middle name “Bendin,” and resided at Lazzaretto Vecchio 7 in Trieste, Italy. The records further indicate the Account Owner’s religion to be Jewish (*Israelit*). These records also indicate that the Bank did not have contact with the Account Owner since before 1945.

¹ The CRT notes that the identification card appears to have been filled out by a person other than the Claimant and concludes that the omission of the letter “n” was inadvertent.

These records indicate that the Account Owner held a numbered account, the type of which is not indicated, held under the number Z85. The records further indicate that as of 1 September 1963, the account held a balance of 337.50 United States Dollars (“US \$”).

According to the Swiss Federal Archive records, the account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 1 February 1967, and on 17 March 1967 it was placed under the guardianship of Dr. H. Häberlin, a curator in the office for assets of missing foreigners. On 28 October 1967 it was reported by the Justice Department to the Cantonal Guardianship Authority of the City of Zurich (*Vormundschaftsbehörde der Stadt Zürich*).

The Swiss Federal Archive records do not indicate the ultimate disposition of the account. There is no evidence in these 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 published name of the Account Owner. The Claimant identified the Account Owner’s city and country of residence, which matches unpublished information about the Account Owner contained in the Swiss Federal Archive records. The Claimant indicated that her father resided and worked at Via Torrebianca 25 in Trieste, while the Swiss Federal Archive records list the Account Owner’s address as Lazzaretto Vecchio 7. The CRT notes that these addresses are located only two kilometers apart. The CRT further notes that the Claimant indicated that her father used a password when opening his account, and that the Swiss Federal Archive records indicate that the Account Owner used an alternate name when opening the account.

In support of her claim, the Claimant submitted documents, including a letter written on *Pension Gringlas* stationery, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Swiss Federal Archive records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted in 1990 by [REDACTED], the victim’s niece by marriage, which indicates that Elijah Gringlas was born in December, 1900 in Tjaceva, Czechoslovakia; was the son of [REDACTED] and [REDACTED]; was married to [REDACTED]; and was a hotel owner residing in Italy.² This substantially matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

² The CRT notes that the page of testimony was filled out in English and Hebrew. The spelling of the victim’s surname in this case (Gringlas) is one of several possible transliterations from Hebrew into Latin letters, as is the given name (Elijahu).

The CRT notes that the name Elias Bendett Grünglas appears only once on the list of Account Owners published in 2005 (the “2005 List”). The CRT notes that there are no other claims to this account. 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, that he was expelled from Nazi-allied Italy, and that he was deported to a ghetto in 1944, and shortly thereafter to Auschwitz, where he perished. Furthermore, the Claimant submitted a letter written by her father on *Pension Grünglas* stationary, in which he requests help from his brother-in-law to flee Italy for the United States. As noted above, a person named Elijahu Gringlas was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s father. These documents include her own school attendance sheet, indicating that [REDACTED]’s father was named Elia. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished after being deported to Auschwitz; that his account was registered in the 1962 Survey, which demonstrates that the account still existed as of that date; that there is no record of payment of the Account Owner’s assets to him; that the Account Owner’s heirs would not have been able to obtain information about his account 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) 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. Third, 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. The Swiss Federal Archive's records indicate that the account had a balance of US \$337.50 as of 1 September 1963, which was equivalent to 1,458.00 Swiss francs ("SF").³ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,235.00, which reflects account fees and standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 2,693.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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
23 June 2008

³ The CRT uses official exchange rates when making currency conversions.