

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Robert Haim

Claim Number: 710355/AX¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the unpublished accounts of Robert Haim (the “Account Owner”), over which Grete Haim (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).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 Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Robert Israel Haim, who was born on 5 October 1882 in Vienna, Austria, and was married to Margaretha Haim, née Bohac. The Claimant stated that her father, who was Jewish, resided in Vienna, where he was the director of the *Oesterreichische Chemische Werke*. The Claimant indicated that, in 1942, her father was forced to perform slave labor for the Nazis. The Claimant further indicated that as a result of performing slave labor, her father died of heart failure in 1944 in Vienna. In support of her claim, the Claimant submitted her father’s death certificate, indicating that his name was Robert Haim, that he was from Vienna, and that he was married to Margaretha Haim, née Bohac, and her birth certificate, showing that she was born in Vienna, and that her parents were Robert Israel Haim and Margaretha Haim, née Bohac. The Claimant stated that she was born on 11 April 1924 in Vienna.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0060, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires 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 IQ was forwarded to the CRT and has been assigned claim number 710355.

Information Available in the Bank's Records

The Bank's records consist of a signed power of attorney form, dated 15 January 1937, and printouts from the Bank's database. According to these records, the Account Owner was Robert Haim, and the Power of Attorney Holder was Greta Haim, who both resided in Vienna, Austria. The Bank's records indicate that the Account Owner held one custody account and one demand deposit account. According to these records, the accounts were initially held under the name G. Bohac, and that they were subsequently held under the designation 711.

The Bank's records do not show when the accounts at issue were closed, nor do these records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Robert Haim, numbered 50877. According to these records, Robert Haim, a company director, was born on 5 October 1882, was married to Margaretha Haim, née Bohac and resided in Vienna at Mariahilferstrasse 115. The records document that Robert Haim had one daughter, [REDACTED], who was born on 11 April 1924. They further show that as of June 1942 Robert Haim reported owning real estate worth 30,000.00 Reichsmark ("RM"), savings and bank assets worth RM 12,608.41, and securities worth a total of RM 242,562.88. Robert Haim did not file an asset declaration until 1942 as, according to correspondence in the file, he earlier was deemed exempted from the requirement as a *Mischling I. Grades*, that is having only two grandparents who were Jewish. According to the correspondence the Office for Genealogical Research (*Amt für Sippenforschung*) declared Robert Haim a Jew on the basis of a new document that showed that three of his grandparents were Jewish.. The records also show that Robert Haim's wife was not Jewish. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. The Claimant's mother's name matches the unpublished name of the Power

of Attorney Holder.² The Claimant identified her mother's maiden name, which matches unpublished information about the account designation contained in the Bank's records. In support of her claim, the Claimant submitted her father's death certificate, documenting that his name was Robert Haim, that he was from Vienna, and that he was married to Margaretha Haim, née Bohac, and her own birth certificate, stating that she was born in Vienna, and that her parents were Robert Israel Haim and Margaretha Haim, née Bohac, providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owner and the Power of Attorney Holder.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Robert Haim, and indicates that he was born in 1882 and that he was from Vienna, which 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.

The CRT notes that there are no other claims to these accounts

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 died from heart failure as a result of performing slave labor.

As noted above, a person named Robert Haim 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 birth certificate, stating that her parents were Robert Israel Haim and Margaretha Haim, née Bohac. 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 died in 1944 after being required to perform slave labor; that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the accounts; 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) 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

² The CRT notes that Grete is a common German abbreviation of the name Margaretha.

it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, 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.

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 the Power of Attorney Holder, nor their 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 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 total 1945 average value of a custody account and a demand deposit account is SF 15,140.00. 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 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
9 March 2005