

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of H. Hauser

Claim Numbers: 781301/RT¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (“the Claimant”) to the accounts of Hugo Hauser and Hanni Hauser. This Award is to the unpublished account of H. Hauser (the “Account Owner”) at the Horgen branch of the [REDACTED] (the “Bank”).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 Claimants

The Claimant submitted an Initial Questionnaire to the Court in 1999, identifying the Account Owner as either her father-in-law, Dr. Hugo Hauser, who was born on 1880, or her mother-in-law, Hanni Hauser, who was born in 1889. The Claimant stated that her late husband’s parents, who were Jewish, resided in Baden-Baden, Germany, that in 1942 they were deported to Camp-de-Gours, France, and that they were later released. According to the Claimant, after their release, her late husband’s parents resided in Marseille, France, where they awaited a transit visa for Portugal for their emigration to the United States, but that this was ultimately declined. The Claimant explained that their son (who later became her husband) had previously immigrated to the United States and served in the US army, but he was unable to help his parents. The Claimant further explained that her husband’s parents were deported to Auschwitz, where they perished. The Claimant stated that she married her husband in 1945 after his return from Europe and that he died in 1995.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0439 047, 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 781301.

The Claimant indicated that she was born on 13 August 1922.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was H. Hauser. The Bank's records do not indicate the Account Owner's full first name or domicile. The Bank's records indicate that the Account Owner held an account the type of which is unknown.

The Bank's records indicate that the account was transferred to a suspense account on 12 April 1973. The amount in the account on the date of its transfer was 81.05 Swiss Francs ("SF"). The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The first initial and last names of the Claimant's late husband's parents match the unpublished first name initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his/her first name initial and last name and the fact that the account was open and dormant until 1973, when it was suspended.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hugo Hauser, and indicates that his date of birth was 26 August 1880, that he held the title of Doctor, that his wife's first name was "Hani," and that the couple resided in Baden-Baden, Germany. This database further contains information about a person named Hani Hauser, who resided in Baden-Baden, 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 the name of the Account Owner was not published on the 2001 list of account owners determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List") or the List of Account Owners Published in 2005 (the "2005 List"). The CRT further notes that there are no other equally plausible claims to this account.²

² As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published;

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED] stated that her late husband's parents were Jewish and perished in the Holocaust. As noted above, persons named Dr Hugo Hauser and Hani Hauser were 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, demonstrating that the Account Owner was either her father-in-law or her mother-in-law. The CRT further notes that the Claimant identified the Account Owner's first initial and last name, even though they were not published, and that the Claimant also identified information which matches information contained in the Yad Vashem records. 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.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account and remains open and dormant.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was either her father-in-law or her mother-in-law, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner, nor his/her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account the type of which is unknown. The Bank's records indicate that the value of the account of unknown type as of 12 April 1973 was SF 81.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1973. Consequently, the adjusted balance of the account at issue is SF 516.05. According to Article 29 of the Rules, if the amount in an account of unknown type was less than

and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

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.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 September 2009