

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Heinrich Herrmann

Claim Number: 600384/AK¹

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Henry Herman (formerly Heinrich Hermann). This Award is to the published accounts of Heinrich Herrmann (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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his father, Henry Herman, formerly Heinrich Hermann, who was born on 1 June 1899 in Horyhlady, Poland (now Ukraine), and was married to Martha Herman (Hermann), née Fever. The Claimant indicated that his father, who was Jewish, held an undergraduate degree, and that he resided in Vienna, Austria, where he owned a fabric business. The Claimant stated that his father’s business was confiscated by the Nazi regime, and that his father fled Austria on 9 September 1938. The Claimant stated that his father fled to France, where he was interned in a camp for displaced persons in Nautes [sic, probably Nantes]. The Claimant further stated that in March 1940, his father emigrated to the United States, where he worked as a cutter in a women’s clothing factory. Finally, the Claimant stated that his father died on 5 January 1995 in Allentown, Pennsylvania, the United States. In support of his claim,

¹ The Claimant submitted a claim, numbered B-01343, on 8 September 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600384. The Claimant also submitted four Initial Questionnaires (“IQs”) to the Court in 1999. The CRT is treating the IQs and the HCPO claim under the consolidated Claim Number 600384. In the IQs, the Claimant also claimed accounts belonging to Martha Herman (Hermann), Golde Fever, and Gerson Fever. The CRT has treated the claims to these accounts in a separate determination.

the Claimant submitted his birth certificate, which indicates that he was born on 27 October 1929, and that his father was Heinrich Hermann from Vienna.

The Claimant previously submitted four Initial Questionnaires to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his maternal grandparents, Golde and Gerson Fever, his mother, Martha Hermann, and his father, Heinrich Hermann.

Information Available in the Bank's Records

The Bank's records consist of customer card and printouts from the Bank's database. According to these records, the Account Owner was Heinrich Herrmann, an engineer, who resided in Vienna. The Bank's records indicate that the Account Owner held one custody account, numbered L58812, and two demand deposit accounts. The Bank's records indicate that one demand deposit account was opened on 20 July 1937, that the second demand deposit account was opened in March 1938, and that the custody account was opened on 16 July 1937. The Bank's records further indicate that the custody account was closed on 23 September 1938, that one demand deposit account was closed prior to this date in 1938, and that the second demand deposit account was closed on 10 October 1938. The amounts in the accounts on the dates of their closures 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.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner.² The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records indicate that the Account Owner was an engineer, and that the Claimant stated his father owned a fabric business. The CRT concludes that this does not adversely affect the plausibility of the Claimant's identification of the Account Owner, since the Claimant stated that his father obtained an undergraduate degree, for which the title of *Ingenieur* (Engineer) may have been conveyed, and considering that running a fabric business requires technical skills. In support of his claim, the Claimant submitted documents, including his birth certificate, indicating that his father was Heinrich Hermann from Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the other claims to these accounts were disconfirmed because these claimants provided a different country of residence or profession than the country of residence or

² The CRT notes that the Account Owner's last name is spelled Herrmann, whereas the Claimant stated his father's last name was spelled Hermann. The CRT further notes that this minor spelling discrepancy could be a typographical error and does not materially affect the Claimant's identification of the Account Owner.

profession 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, that his business was closed down by the Germans, and that he fled Austria for France in September 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he 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 the Claimant's birth certificate, indicating that his father was Heinrich Hermann. 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 was a Victim of Nazi Persecution and that he fled Austria after his business had been closed down in 1938, after which he was interned in a camp for displaced persons in France; 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) 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 his 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 accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts and one custody 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 demand deposit account was 2,140.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Consequently, the total average value of the three accounts at issue is SF 17,280.00. 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 216,000.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
28 June 2006