

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Hirsch
also acting on behalf of Ronald Hirsch

in re Account of Ludwig Hirsch

Claim Number: 218306/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Peter Hirsch (the “Claimant”) to the accounts of Ludwig Hirsch (the “Account Owner”) at the [REDACTED] (the “Bank”). On 26 November 2002, the Court approved the Award of two of the Account Owner's three demand deposit accounts at the Bank.¹ The CRT did not reach a decision regarding the third account, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account. This Award is the result of the further consideration of whether the Account Owner received the proceeds of the third account.

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Ludwig Hirsch, who was Jewish and was born on 10 June 1869 in Berlin, Germany. Ludwig Hirsch married Margarete Glass around 15 August 1899 in Breslau, Germany, and they had two children: Herbert, born on 27 February 1902, and Max, the Claimant’s father, born on 14 September 1905. According to the Claimant, his grandfather was an engineer and lived with his family at Sybelstrasse 35 in Berlin between 1928 and 1943. The Claimant stated that in 1943, after receiving notice that he was to be deported to a concentration camp, Ludwig Hirsch took his own life. The Claimant indicated that Ludwig Hirsch’s wife Margarete died in Berlin in 1928, his son Herbert died in Hochheim, Germany in 1957, and his son Max died in 1989 in Reading, Pennsylvania, the United States. The Claimant is representing his only sibling, Ronald Hirsch. The Claimant indicated that he was born on 27 June 1935 in Berlin.

¹ See In re Accounts of Ludwig Hirsch (approved on November 26, 2002).

Information Available in the Bank Records

The Bank's records consist of a bank customer card and printouts from the Bank's database. According to these records, the Account Owner was Ludwig Hirsch of Berlin, Germany. The Bank's records indicate that the Account Owner held a demand deposit account, opened on 20 August 1932 and closed on 30 September 1934. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves. The Bank's records do not show to whom the account at issue was paid, nor do these records indicate the value of the account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandfather's name matches the published name of the Account Owner. The Claimant identified his grandfather's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted copies of documents, including his father's birth certificate, German identification papers, a German passport, and a detailed family tree. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Ludwig Hirsch, and indicates that his date of birth was 10 June 1869 and his place of birth was Berlin, 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 other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of 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 lived in Germany during the Second World War, and that he took his own life in order to avoid deportation to a concentration camp. As noted above, a person named Ludwig Hirsch was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting evidence demonstrating that he is the grandson of Ludwig Hirsch. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and his brother, whom the Claimant represents.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit, the CRT took into account the facts of the opening of the Account Owner's demand deposit in 1932 and its closing in 1934, and considered that: the Nazis had embarked on a campaign in 1933 to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, the Account Owner remained in Germany and thus would not have been able to repatriate his account to Germany without its confiscation, and the Account Owner took his own life in 1943 after receiving notice that he was to be deported to a concentration camp. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit during the period in which the Account Owner lived and died in Germany, and the application of relevant Presumptions (a) and (j),² which assume such a result in this context, 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 grandfather, and that relationship justifies an Award. Finally, 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 a demand deposit account.³ 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 demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares, by representation. In this case, the Claimant is representing his brother,

² These Presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt-ii.org.

³ As stated above, the Court approved the Award of other demand deposit accounts at the Bank on November 26, 2002.

Ronald Hirsch, in these proceedings. Accordingly, Ronald Hirsch is entitled to receive one-half of the Award amount.

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
June 1, 2004