

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

and to Claimant [REDACTED 2]
also representing [REDACTED 3]

in re Account of Alexandre Hofmann

Claim Numbers: 716978/GO; 718086/GO¹

Award Amount: 11,659.38 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Alexander Hofmann and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Alexander Hofmann. This Award is to the unpublished account of Alexandre Hofmann (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) to the Court in 1999 identifying the Account Owner as his father-in-law, Alexander Hofmann. Claimant [REDACTED 1] indicated that his father-in-law, who was Jewish,² resided in Romania before

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered HEB-0158123 and HEB 0188071, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 716978 and 718086, respectively.

² The CRT notes that Claimant [REDACTED 1] did not fill out the part of IQ pertaining to the Account Owner’s Status as a Victim of Nazi Persecution. However, the information provided by Claimant [REDACTED 2], which pertains to the same Account Owner, indicates that the Account Owner was Jewish.

the Second World War and emigrated to Israel in 1950. Claimant [REDACTED 1] did not indicate his relative's precise whereabouts during the Second World War. Claimant [REDACTED 1] indicated that he was born on 8 July 1914.

Claimant [REDACTED 2]

Claimant [REDACTED 2], who is the child of Claimant [REDACTED 1], submitted an IQ to the Court in 1999 identifying the Account Owner as her maternal grandfather, Alexander Hofmann, who was also Claimant [REDACTED 1]'s father-in-law, and who was born on 2 December 1889. Claimant [REDACTED 2] indicated that her grandfather, who was Jewish, resided at Kiss Gasse 5, in Cluj, Romania. Claimant [REDACTED 2] further indicated that her grandfather was a car engineer and owned a factory in Cluj, which was taken over by the Hungarian authorities in 1940, and subsequently operated by the Nazi party. Claimant [REDACTED 2] indicated that her grandfather paid 10,000.00 United States Dollars to the Nazis in order to avoid persecution and to be allowed to join a group of 1,500 Jews admitted to Switzerland. Claimant [REDACTED 2] further indicated that her grandparents and their only daughter [REDACTED] (Claimant [REDACTED 2]' mother) entered Switzerland and were mistreated in a refugee camp and eventually deported from Switzerland in August 1945. Finally, Claimant [REDACTED 2] indicated that her grandfather died on 15 December 1964, and that she and her sister are his only surviving heirs. Claimant [REDACTED 2] is representing her twin sister, [REDACTED 3], née [REDACTED]. Claimant [REDACTED 2] indicated that she and his sister were born on 28 September 1947.

Information Available in the Bank's Record

The Bank's records consist of a report from 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"). According to this record, the Account Owner was Alexandre Hofmann. The record does not indicate the Account Owner's domicile. This record indicates that the Account Owner held a savings/passbook account. This record further indicates that the account had a balance of 7.75 Swiss Francs ("SF") in 1999. The account remains open and dormant.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relative's name matches the unpublished name of the Account Owner.³

The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than his name. The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

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. The Claimants stated that the Account Owner was Jewish, and Claimant [REDACTED 2] indicated that the Account Owner was detained in a refugee camp and expelled from Switzerland in 1945.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father-in-law, and Claimant [REDACTED 2]' grandfather.

There is no information to indicate that the Account Owner has surviving heirs other than the person whom Claimant [REDACTED 2] is representing.

The Issue of Who Received the Proceeds

The auditor's report indicates that that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2] and the party she represents. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] and represented party [REDACTED 3] have plausibly demonstrated that the Account Owner was their grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 2] and represented party [REDACTED 3], as the Account Owner's grandchildren, have a better entitlement to the account than Claimant [REDACTED 1], the Account Owner's son-in-law.

³ The CRT notes that Alexander and Alexandre are common variations of the same name.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that that account had a balance of SF 7.75 in 1999. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 932.75. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,659.38.

Division of the Award

According to 23(1)(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. Accordingly, Claimant [REDACTED 2] and represented party [REDACTED 3], who are sisters, are each entitled to one-half of the total award amount.

As noted above, Claimant [REDACTED 1], who is only related to the Account Owner by marriage, is not entitled to share in the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
18 December 2007