

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Jakob Hofmann

Claim Number: 726758/GO¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Jakob 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 Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Yakov Hofmann, who was born on 14 April 1903 in Sanok, Poland. The Claimant indicated that his father, who was Jewish, resided in Sanok and was a businessman. The Claimant further indicated that in 1939 his father fled with his family to Novotroitsk, Russia, where they were in hiding for approximately four or five years, after which time they returned to Zarnow, Poland. The Claimant indicated that his father died on 17 July 1986 in Tel Aviv, Israel.

The Claimant indicated that he was born in 1930.

Information Available in the Bank’s Records

The Bank’s record consists of a report from the auditors who carried out the investigation of this

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered I-Q-HEB 0401104, 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 726758.

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 Jakob Hofmann. The auditors’ report does not indicate the Account Owner’s domicile. The auditors’ report indicates that the Account Owner held an account, the type of which is not indicated, numbered 31208. The auditors’ report further indicates that the account was transferred on 31 December 1957 to a suspense account. The amount in the account on the date of its transfer was 35.50 Swiss Francs (“SF”). The account remains suspended.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with one additional document, namely a list of suspended savings/passbook accounts, and indicates that Jakob Hofmann held a savings/passbook account, numbered 31208. This document further indicates that amount in the account was SF 35.50.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s father’s name matches the published name of the Account Owner.² The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than his name.

The CRT notes that the name Jakob Hofmann appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the “ICEP List”).

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Yakov Hofmann, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those Claimants provided documents from the Relevant Period indicating a different last name spelling than the spelling of the Account Owner’s last name. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

² The CRT notes that Yakov and Jakob are variations of the same name.

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 fled from Nazi-occupied Poland and that he was in hiding for approximately four or five years in Russia.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father.

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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 he has asserted in his Claim Form.

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

The Issue of Who Received the Proceeds

The auditors' report indicates that the account was suspended on 31 December 1957 and remains suspended today.

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 his father, 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.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditors' report indicates that the value of the account as of 31 December 1957 was SF 35.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 230.50. According to Article 29 of the Rules, if the amount in a savings/passbook was less than SF 830.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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
18 December 2007