

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED],
also acting on behalf of [REDACTED]

in re Account of Julie Hohenberg

Claim Number: 201645/MBC¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Julie Hohenberg (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 Form identifying the Account Owner as his mother, Julie Hohenberg, née [REDACTED], who was born on 6 June 1907 in Vienna, Austria, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his mother married [REDACTED] in 1925, and that the couple had two children: [REDACTED], who was born on 19 January 1927 in Vienna, and [REDACTED] (the Claimant), who was born on 27 February 1929 in Vienna. The Claimant explained that his mother, who was Jewish, fled Austria to France to escape Nazi persecution in September 1938, and then moved from France in January 1939 to the United States, where she resided in New York. According to the Claimant, his father died on 7 October 1977 in New York and his mother died on 19 January 1993 in Massachusetts. In support of his claim, the Claimant submitted documents, including his and his mother’s identity cards; his mother’s birth certificate and death certificate, which states the Claimant’s name as his mother’s child, and his mother’s place of birth as Austria; his parents’ marriage certificate; and a judgment, dated 29 September 1994, by a Massachusetts court authorizing the Claimant to be the executor of his mother’s estate.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 201872. The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Julie Hohenberg, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account that was opened on 30 November 1935, and closed on 14 March 1938. The value of the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that his mother lived in Vienna, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents, including his and his mother's identity cards; his mother's birth certificate and death certificate, which states that the Claimant is the son of Julie Hohenberg and that his mother's place of birth is Austria; his parents' marriage certificate; and a judgment, dated 29 September 1994, by a Massachusetts court authorizing the Claimant to be the executor of his mother's estate. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's record as the Account Owner and that the Claimant has the same name as the Account Owner's son. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Julie Hohenberg who was born on 6 June 1907, 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 further notes that the other claim to this account was disconfirmed because the Claimed Account Owner was born before the account was opened. 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, who was Jewish, fled from Austria to escape Nazi persecution. As noted above, a person named Julie Hohenberg 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 specific biographical information, a family tree, and numerous documents,

demonstrating that the Account Owner was his mother. These documents include his and his mother's identity cards; his mother's birth certificate and death certificate, which indicates the Claimant's name as the son of his mother; his parents' marriage certificate; and a judgment, dated 29 September 1994, by a Massachusetts court authorizing the Claimant to be the executor of his mother's estate.

The Issue of Who Received the Proceeds

Given that the Account Owner's account was closed on 14 March 1938 after the *Anschluss* on 11 March 1938; that Nazi confiscatory legislation was in effect at the time the account was closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred after the *Anschluss*; that the Claimant stated that the Account Owner remained in Austria after the *Anschluss* until September 1938 and was then forced to flee; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her account 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 (a), (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 her 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held 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 Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 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. In this case, the Claimant is representing his sister, [REDACTED]. Accordingly, the Claimant and his sister are each entitled to one-half of the total 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
31 December 2003