

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], and [REDACTED 4]¹

in re Account of Rosa Huber

Claim Number: 600065/OW²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the accounts of [REDACTED], [REDACTED], [REDACTED] [REDACTED], Rosa Huber, [REDACTED], [REDACTED], and [REDACTED]. This award is to the published account of Rosa Huber (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).³

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.

¹ The CRT notes that in a telephone conversation on 2 August 2005, the Claimant indicated that she believed that she is only representing claimant [REDACTED 2], in the claim to this account, although she represents [REDACTED 2], [REDACTED 3], and [REDACTED 4], in the claim to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The CRT notes that since it has identical power of attorney forms for [REDACTED 2], [REDACTED 3], and [REDACTED 4], has included not only [REDACTED 2], but also [REDACTED 3] and [REDACTED 4] in this decision. The CRT further notes that the inclusion of these individuals has no bearing on the division of the Award.

² The Claimant submitted a claim, numbered B-02135, on 21 December 1999, 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 600065.

³ The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. In a separate decision, the CRT awarded the account of [REDACTED] to the Claimant. See *In re Accounts of [REDACTED]* (approved 10 August 2005). The CRT will treat the claims to the accounts of [REDACTED] and [REDACTED] in separate determinations.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her paternal great-aunt, Rosa Huber, née Hoffmann, who was born on 20 May 1888 in Vienna, Austria. According to the Claimant, her great-aunt, who was Jewish, resided at Fichtnergasse 7, Vienna XIII, and was married to [REDACTED]. According to information from the Vienna City and State Archive (*Wiener Stadt- und Landesarchiv*) obtained by the HCPO, [REDACTED] and Rosa Huber had two children, [REDACTED], who was born on 24 April 1911, and [REDACTED], who was born on 14 October 1913. According to this information, [REDACTED] died in Vienna on 19 January 1940, and Rosa Huber fled Vienna for the United States on 10 June 1941. The Claimant indicated that her great-aunt died in New York on an unknown date. According to information obtained by the HCPO, [REDACTED] died in January 1983 in New York, and [REDACTED] died in June 1970.

The Claimant further indicated that she was born on 28 December 1944 in Washington D.C. The Claimant is representing her sister, [REDACTED 2], née [REDACTED]; and her maternal cousins, [REDACTED 3], née [REDACTED]; and [REDACTED 4]; who were born on 17 May 1941; 13 October 1944; and 22 April 1947, respectively.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record the Account Owner was Rosa Huber. While the Bank's record indicates that the Account Owner was domiciled in Switzerland, 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”) reported that the Account Owner resided in an unknown foreign country. The Bank’s record indicates that the Account Owner held one account, the type of which is not indicated, which was opened prior to 1946. According to the Bank’s record, the account was considered dormant by the Bank and was transferred to a suspense account, where it remains today. The date of transfer to the suspense account is not recorded. The Bank’s record indicates that the balance of the account at the time of the transfer was 88.00 Swiss Francs (“SF”).

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Rosa Huber, numbered 4440. According to these records, Rosa Huber was born on 24 May 1893 and was married to Simon Huber. These records indicate that Rosa Huber was a merchant who

resided at Fichtnergasse 7 in Vienna XIII. These records do not mention any assets held in a Swiss bank account.⁴

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal great-aunt's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name.⁵ The CRT notes that the name Rosa Huber appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account. 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, and that she resided in Nazi-controlled Austria.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's paternal great-aunt. The CRT notes that the information provided by the Claimant about the Account Owner is of the type that family members would possess and indicates that the Account Owner was 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 she has asserted in her Claim Form. The CRT notes that the information obtained by the HCPO from the Vienna Archive indicates that Rosa Huber had two children, and that their descendants would be more entitled to the proceeds of this account than the Claimant and the persons she represents. However, the CRT has not received any claims from the descendants of Rosa Huber's children.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

⁴ The CRT notes the Claimant indicated a different date of birth and spouse's name than the date of birth and spouse's name listed in the records pertaining to Rosa Huber, in the Austrian State Archive. The CRT further notes that this Austrian Census Record information is included in this decision only because the Claimant indicated that her great-aunt resided at the same street address as listed in these records. Although there are many instances of family members living at the same address and bearing the same first names, there is no clear indication that these individuals are related.

⁵ The CRT notes that since the printout from the Bank's database indicates a residence in Switzerland and the auditors' report indicates a foreign domicile, the information pertaining to residence in the Bank's record does not provide any additional information with which to further identify the Account Owner.

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 her paternal great-aunt and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank’s record indicates that the value of the account was SF 88.00, but the date of this balance is not recorded. Therefore, the CRT cannot calculate the current balance of the account and is treating the account as an account of unknown value. According to Article 29 of the Rules, if the amount in the account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying this amount by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sister, [REDACTED 2], and her maternal cousins, [REDACTED 3], and [REDACTED 4]. As the great-granddaughters of the Account Owner’s aunt, the Claimant and her sister, [REDACTED 2], have better entitlement than the Claimant’s maternal cousins, [REDACTED 3] and [REDACTED 4]. Accordingly, the Claimant and her 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 her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of record 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
21 September 2005

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