

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]

in re Account of Dr. Alfred Kauffmann

Claim Number: 217269/SJ¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the "Claimant") to the published account of Alfred Kauffmann (the "Account Owner") at the Basel branch of the [REDACTED] (the "Bank").²

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 maternal grandmother's cousin, Alfred Kauffmann, who was born on 27 March 1900 in Stargard, Germany (known after the First World War as Starogard, Poland), and who was married to [REDACTED], née [REDACTED], on 27 September 1941 in Michigan, the United States. The Claimant indicated that Alfred Kauffmann, who was Jewish, was one of five children of Albert Kauffmann and [REDACTED], née [REDACTED]. The Claimant further indicated that Alfred

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 217269 and 220949. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 217269. Moreover, the Claimant submitted eight additional claims to the accounts of [REDACTED], [REDACTED], Albert Kauffmann, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the claim numbers 217259, 217279 217829, 217839, 217849, 219314, 219315, and 219316, respectively. The CRT has already treated the claim to [REDACTED], 217839. See *In re Account of [REDACTED]*, (approved on 28 August 2002). The CRT will treat the claims to the other accounts in separate decisions.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP list"), Alfred Kauffmann is indicated as having two accounts with three Power of Attorney Holders. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of only one account and one Power of Attorney Holder.

Kauffmann and his siblings, [REDACTED] (who died in 1918), [REDACTED], [REDACTED], and [REDACTED] all grew up at the family home in Starogard, which was called the *Villa Kauffmann*. The Claimant added that Albert Kauffmann was a wealthy owner of shoe factories in Starogard, including the *Peter Kauffmann Synowie*.

The Claimant stated that in 1924, Alfred Kauffmann moved to Berlin, Germany, to pursue his career as an engineer. The Claimant indicated that Alfred Kauffmann became Chief Engineer at the prestigious *Automotive Research Institute* of the Technical University in Berlin, and that he continued to work there until he was fired in 1933 as a result of anti-Semitism. The Claimant added that after Alfred Kauffmann was fired, he fled Germany by car, with very few possessions, in order to avoid arrest. According to the Claimant, in June 1933, Alfred Kauffmann drove to Switzerland, then to Strasbourg, France, before joining his parents in Starogard in 1934. The Claimant stated that Alfred Kauffmann left his car behind in Starogard, traveled to meet his brother, [REDACTED], who was in Copenhagen, Denmark, then went to London, the United Kingdom, in March 1934 and finally to New York and, by August 1935, to Michigan, the United States, where he continued his work as an automotive engineer. According to the Claimant, Alfred Kauffmann died in 1988 in Florida, the United States, without issue.

In correspondence with the CRT, the Claimant further indicated that he had a very close relationship with Alfred Kauffmann from the mid-1970s until his death approximately ten years later. The Claimant indicated that Alfred Kauffmann sent all the documents that he had saved to the Claimant for his research and for safekeeping, and that there was never any mention or indication that the amounts in Swiss accounts were received.

In support of his claim, the Claimant submitted documents, including [REDACTED]'s birth certificate, indicating that his mother was [REDACTED]; [REDACTED]'s birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that [REDACTED]'s father was [REDACTED]; the birth certificate of the Claimant's mother ([REDACTED 2]), indicating her mother was [REDACTED], née [REDACTED]; the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]; photographs of the *Villa Kauffmann* (the family home in Starogard); and letters written by Alfred Kauffmann to the Claimant describing his life during the Second World War, which include his signature.

The Claimant indicated that he was born on 16 January 1957 in Los Angeles, California, the United States. The Claimant is representing his mother, [REDACTED 2], who was born on 29 May 1926 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, a document acknowledging the receipt of the Bank's terms and conditions for owning a custody account, both signed on 28 April 1931; and a printout from the Bank's database. According to these records, the Account Owner was

Dr. *Oberingenieur* (Chief Engineer) Alfred Kauffmann who resided in Berlin-Charlottenburg, Germany, and the Power of Attorney Holder was Albert Kauffmann. According to the Bank's records, the Account Owner held a custody account and a demand deposit account, both numbered 36795.

The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of his grandmother's cousin matches the published name of the Account Owner and the name of his grandmother's uncle matches the published name of the Power of Attorney Holder.³ The Claimant identified his relative's place of residence in the early 1930s as Berlin, Germany, which matches published information about the Account Owner contained in the Bank's records. Furthermore, the Claimant also identified the Account Owner as an engineer, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including numerous letters written and signed by Alfred Kauffmann to the Claimant, describing, among other things, his life in Poland and his work in Berlin before the Second World War.

Finally, the sample of Alfred Kauffmann's signature submitted by the Claimant matches the signature samples contained in the Bank's records. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different places of residence than those 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 was fired from his job in Berlin in 1933 because he was Jewish, and that he was forced to flee Berlin or face arrest.

³ Upon further review, the CRT notes that there were no other Power of Attorney Holders to these accounts. Nevertheless, the CRT acknowledges that the Claimant also identified the additional published names of [REDACTED], née [REDACTED], and [REDACTED].

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the cousin of the Claimant's grandmother. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records and that the Claimant submitted copies of documents that most likely only a family member would possess. These documents include [REDACTED]'s birth certificate, indicating that his mother was [REDACTED]; [REDACTED]'s birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that Gertrud's father was [REDACTED]; the birth certificate of the Claimant's mother ([REDACTED 2]), indicating her mother was [REDACTED], née [REDACTED]; and the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]. But for the Claimant's mother, whom he is representing in these proceedings, there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In absence of evidence to the contrary and given that the Account Owner drove to Switzerland in 1933 and had relatives who also maintained accounts at the Bank in the Relevant Period, the CRT concludes that the Account Owner's account that was opened in 1931 remained open in the Relevant Period. Given that the Account Owner fled Germany in 1933; that there is no record of the payment of the Account Owner's accounts to him, nor any record of the dates of closure of the accounts; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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 (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 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 grandmother's cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 15,140.00 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 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his mother. Accordingly, his mother is entitled to receive 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
29 June 2004