

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Helene Kaufmann

Claim Number: 600627/WT¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Helene Wertheimer, née Kaufmann, and Jacob Wertheimer.² This Award is to the published account of Helene Kaufmann (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 a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her mother, Helene Wertheimer, née Kaufmann, who was born on 24 September 1885 in Aachen, Germany, and was married first to [REDACTED] (who died in the First World War), and subsequently to [REDACTED]. The Claimant indicated that her mother, who was Jewish, resided in Hamburg, Germany, where her husband was a merchant. The Claimant indicated that she left Germany for England, and that during the Second World War, the Claimant’s mother and the Claimant’s stepfather [REDACTED] were deported to the Minsk concentration camp, where they perished. The Claimant submitted copies of letters that she wrote to her parents while she was in England, which were sent by the Red Cross organization between 1940 and 1941, and letters from her parents to herself during the same period.

The Claimant indicated that she was born on 17 June 1914 in Buer, Germany.

¹ Claimant [REDACTED] (the “Claimant”) submitted a claim, numbered B-01900, on 30 June 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 600627.

² In a determination dated 18 January 2006, the CRT treated the Claimant’s claim to the account of Jacob Wertheimer.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (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 an extract from a register of savings/passbook accounts for which there had been no contact with the Account Owner for a period of at least ten years.

According to these records, the Account Owner was Helene Kaufmann. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 39445, which was transferred on 31 December 1957 to the Bank's suspense account, where it remains today. The amount in the account on the date of its transfer was 2.70 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Helene Kaufmann, and indicates that her date of birth was 24 September 1885 and city of residence was Hamburg, 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 notes that the Claimant filed an HCPO claim form in 1999, asserting her entitlement to a Swiss bank account owned by Helene Kaufmann, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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 there are no other equally plausible claims to this account.³ Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

³ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account

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 during the Second World War she was deported to Minsk, where she perished. As noted above, a person named Helene Kaufmann was included in the CRT's database of victims.

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

The CRT further notes that the Claimant filed an HCPO claim form in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of letters between herself and her parents sent between 1940 and 1941 by the Red Cross. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 31 December 1957, where it remains 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her mother, 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.

owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

Amount of the Award

In this case, the Account Owner held a savings/passbook account. The Bank's records indicate that the value of the account as of 31 December 1957 was SF 2.70. 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 197.70. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00. 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 10,375.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 May 2009