

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Herman Keller
represented by Irvine A. Simmonds

in re Account of Gertrud Keller

Claim Number: 204350/AY

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of Herman (Hyman) Keller (the “Claimant”) to the account of Gertrud Keller (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Gertrud Keller, née Grad, who was born in 1902 and was married to Herman (Hersch) Keller. The Claimant indicated that his family resided at 25 Zielona Street in Sambor, Poland, until 1942 when the Claimant’s parents, who were Jewish, were deported to the ghetto in Blich, Poland. The Claimant stated that his parents perished in the Holocaust. The Claimant further stated that he believes his family had accounts in Switzerland because prior to the Second World War, his aunt, Briandle (Bernice), advised her family to deposit their money in Switzerland, as she had done, because the political situation in Poland was so unstable.

The Claimant stated that he was his parents’ only child and that he was born on 31 December 1931 in Sambor.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by his mother, Gertrud Keller, née Grad, of Sambor, Poland, and an Initial Questionnaire in 1999, asserting his entitlement to a Swiss bank account owned by Bernice Keller of Krakow, Poland. In his Initial Questionnaire and ATAG form, the Claimant stated that his aunt, Bernice Keller, also perished in the Holocaust. The Claimant also indicated in his IQ that he believes that his aunt deposited money in a Swiss bank account and that she advised her father to do so as well, but that he does not know the amount of the deposit or where in Switzerland the account was held.

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 Gertrud Keller from an unknown country. The Bank's record indicates that the Account Owner held a savings/passbook account. The amount in the account as of 1 January 1997 was 56.10 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother'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.

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Gertrud Keller, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based his 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 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. Furthermore, the CRT notes that there are no other claims to this 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, that she was deported to the Blich Ghetto in Poland, and that she perished in the Holocaust.

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 about her which demonstrates that he is the Account Owner's son. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates the account remains open and dormant.

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, as amended (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 neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The Bank's record indicates that the value of the savings account was 56.10 Swiss Francs as of 1 January 1997. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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, in accordance with Article 31(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

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
June 23, 2003