

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Irvine Simmonds
to Claimant [REDACTED 2]
to Claimant [REDACTED 3]
to Claimant [REDACTED 4]
to Claimant [REDACTED 5]
and to the Estate of Claimant [REDACTED 6]¹

in re Account of Hermann Keller

Claim Numbers: 204350/MBC; 721804/MBC; 722979/MBC; 726990/MBC; 752854/MBC;
784183/MBC; 754508/MBC^{2, 3}

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Hermann Keller, Gertrud Keller, and Bernice Keller;⁴ the claim of

¹ The CRT was informed that [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”) passed away on 17 January 2000.

² Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 6] did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered HEB-0282102, HEB-0311069, HEB-0409096, and ENG-0558144, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 721804, 722979, 726990, and 784183, respectively.

³ Claimant [REDACTED 6] and Claimant [REDACTED 5] did not submit CRT Claim Forms. However, in 1997 they submitted ATAG Ernst & Young claim form (“ATAG Forms”), numbered C-NYC-B-71-223-040-717 and C-TLV-X-80-105-141-204, respectively, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 6]’s and Claimant [REDACTED 5]’s ATAG Forms were forwarded to the CRT and have been assigned claim numbers 752854 and 754508, respectively. The CRT notes that Claimant [REDACTED 5] submitted an additional ATAG Form, numbered C-TLV-X-80-105-151-630, which was been forwarded to the CRT and assigned claim number 754509. This claim will be treated in a separate determination.

[REDACTED 3] (“Claimant [REDACTED 3]”) to the accounts of Herman Keller, Friedrich Keller, and Adolf Keller;⁵ the claims of [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”) to the accounts of Herman Keller and Herman Lebovits;⁶ and the claims of [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”), [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), and [REDACTED 5] (formerly [REDACTED 5]) (“Claimant [REDACTED 5]”) (together the “Claimants”) to the account of Herman Keller. This Award is to the published account of Hermann Keller (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father Herman (Hermann, Hersh) Keller, who was born in 1905 in Sambor, Poland and was married to [REDACTED], neé [REDACTED]([REDACTED]). Claimant [REDACTED 1] indicated that his parents, who were Jewish, lived in Sambor, where his father was a master mechanic and his mother was a homemaker, and that they had one child: [REDACTED 1] (Claimant [REDACTED 1]), who was born on 31 December 1931 in Sambor. According to Claimant [REDACTED 1], in 1942, his family was deported to the ghetto in Blich, Poland, where his parents perished. Claimant [REDACTED 1] asserted that he is his parents’ only surviving heir.

In support of his claim, Claimant [REDACTED 1] submitted his own passport, issued in 1991, indicating that [REDACTED 1] was born in Sambor on 31 December 1931.

Claimant [REDACTED 1] previously submitted ATAG Ernst & Young claim forms (“ATAG Forms”) in 1998 asserting his entitlement to Swiss bank accounts owned by Gertrud Keller, Anna Keller, and Briandle Keller.⁷ Claimant [REDACTED 1] further submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Bernice Keller.

⁴ In a separate decision, the CRT awarded the account of Gertrud Keller to Claimant [REDACTED 1]. See *In re Account of Gertrud Keller* (approved on 23 June 2003). The CRT did not locate an account belonging to Bernice Keller in the Account History Database (“AHD”) 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”).

⁵ The CRT will treat the claims to the accounts of Friedrich Keller and Adolf Keller in a separate determination.

⁶ The CRT did not locate an account belonging to Herman Lebovits in the AHD.

⁷ As noted above, the CRT previously awarded the account of Gertrud Keller to Claimant [REDACTED 1]. In a separate determination, the CRT treated Claimant [REDACTED 1]’s claim to the accounts of Anna Keller. See *In re Accounts of Anna Keller and in re Accounts of Anna Frey (also known as Anna Keller)* (approved on 20 August 2004). The CRT did not locate an account belonging to Briandle Keller in the AHD.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ to the Court identifying the Account Owner as her maternal grandfather, Herman Keller, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that her grandparents, who were Jewish, lived in Leipzig, Germany, where her grandfather was a traveling salesman who sold work clothes to farmers. Claimant [REDACTED 2] further indicated that her grandparents had three children, including Claim [REDACTED 2]'s mother, [REDACTED], née [REDACTED], who was born on 3 January 1924. According to Claimant [REDACTED 2], her grandmother and her three children were arrested by the Nazis on 28 October 1938 and deported to Poland. Claimant [REDACTED 2] indicated that her grandfather smuggled her mother back into Germany on 3 January 1939, after which she never saw her own mother or siblings again. Claimant [REDACTED 2] stated that her grandfather was imprisoned by the Nazis in May of 1939, that he was freed after a trial on 26 August 1939, and that her mother fled on a *Kindertransport* to England immediately after the trial, arriving on 1 September 1939. Claimant [REDACTED 2] explained that her mother never saw her father again. Claimant [REDACTED 2] stated that her grandparents' assets in Leipzig were looted in 1939 and that they performed slave labor during the Second World War. Finally, Claimant [REDACTED 2] indicated that her mother died in Israel in 1997.

In support of her claim, Claimant [REDACTED 2] submitted documents including: 1) an account written by her mother, [REDACTED], née [REDACTED], who resided in Safed, Israel, describing her family's fate during the War, printed in a book entitled "I Came Alone: The Stories of the Kindertransports," published in England in 1990; 2) her own birth certificate, indicating that [REDACTED 2] was born on 23 February 1955 in New York, the United States and that her mother was [REDACTED], née [REDACTED], who was 31 years old and who was born in Dresden, Germany; and 3) her own driver's license and identity card, indicating that [REDACTED 2] was born on 23 February 1955 in the United States, that she lived in Safed, Israel, and that her mother's name was [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED] submitted an IQ identifying the Account Owner as her paternal uncle, Herman Keller. Claimant [REDACTED 3] indicated that her uncle, who was Jewish, lived in Germany, where he owned a clothing factory. Claimant [REDACTED 3] further indicated that her paternal uncles, Friedrich, who lived in Romania and in Paris, France, and Adolf, who lived in Iasi, Romania, also owned clothing factories, and that all three brothers held Swiss bank accounts. Claimant [REDACTED 3] stated that her uncles' factories were looted by the Nazis in approximately 1942, and that they were deported to concentration camps, where they performed slave labor, and that they ultimately perished in Auschwitz.

Claimant [REDACTED 3] indicated that she was born on 9 August 1926.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as her father, Herman Keller, who was born on 17 February 1889. Claimant [REDACTED 4] indicated that her father, who was Jewish, lived in Oradea, Romania (also known as Nagyvarad, Hungary), where he owned a tailoring business, and that he was a wealthy man. According to Claimant [REDACTED 4], from 1943 to 1944 she was forced to perform slave labor in Oradea for a German company that made airplane parts, and was then deported to Auschwitz. Claimant [REDACTED 4] indicated that she and her father survived the War and that he died in Israel in 1972.

Claimant [REDACTED 4] indicated that she was born on 20 April 1923.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted an ATAG Form and IQ identifying the Account Owner as her mother's brother, Herman Keller, who was married to [REDACTED].⁸ Claimant [REDACTED 6] indicated that her aunt and uncle, who were Jewish, lived in Ung Csertes, Hungary (formerly Sereďne, Czechoslovakia), where her uncle jointly owned a winery and distillery with her first husband, [REDACTED]. Claimant [REDACTED 6] indicated that her uncle perished in Auschwitz, and that she was the only survivor in her family.

Claimant [REDACTED 6]'s son informed the CRT that Claimant [REDACTED 6] passed away on 17 January 2000. In support of his mother's claim, Claimant [REDACTED 6]'s son submitted copies of documents including: 1) his own birth certificate, indicating that [REDACTED] was born on 18 November 1947 in Chicago, the United States and that his mother was [REDACTED 6], née [REDACTED], who was born in 1906 in Czechoslovakia; 2) his mother's will, dated 25 November 1968, indicating that [REDACTED 6], who resided in Chicago, named her son [REDACTED] as her sole heir; and 3) his mother's death certificate, dated in Chicago on 17 January 2000, indicating that [REDACTED 6] was born on 27 January 1906 in Czechoslovakia, that she was a widow, and that her parents were [REDACTED] and [REDACTED], née [REDACTED].⁹

Claimant [REDACTED 5]

Claimant [[REDACTED 5], who is related to Claimant [REDACTED 6], submitted an ATAG Form identifying the Account Owner as his father's cousin, Herman Keller, who was born in

⁸ In a separate decision, the CRT awarded the account of Berta Keller to Claimant [REDACTED 6]. See *In re Account of Berta Keller* (approved on 11 May 2005).

⁹ The CRT notes that Claimant [REDACTED 6] indicated that his mother's name was [REDACTED 6], née [REDACTED], and that her parents' names were [REDACTED] and [REDACTED], née [REDACTED]. Therefore, the transposition of the surnames on his mother's death certificate appears to be an error.

1886 and was married to [REDACTED].¹⁰ Claimant [REDACTED 5] indicated that his cousin, who was Jewish, resided in the Certiz region of Uzhorod, Czechoslovakia (today part of the Ukraine), where he was a farmer and landowner. According to Claimant [REDACTED 5], Herman Keller's cousins, Yosef and Mendel Lebovic, opened a Swiss bank account on his behalf in 1937. Finally, Claimant [REDACTED 5] indicated that Herman Keller perished in Auschwitz in 1944 and that he is his cousin's only surviving relative.

In additional correspondence with the CRT, Claimant [REDACTED 5] indicated that his cousin lived in a village called Ung Csertes, which was then part of Hungary and Czechoslovakia and is today part of the Ukraine, where he worked in agriculture and in vineyards. Claimant [REDACTED 5] further indicated that Herman and [REDACTED] had four children: [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Finally, Claimant indicated that his cousin, his wife, and their children were deported to Auschwitz in 1944, where they perished.

In support of his claim, Claimant [REDACTED 5] submitted copies of documents, including: 1) his father's birth certificate, indicating that [REDACTED] was born on 13 March 1890 in Ung Csertes and that his mother was [REDACTED]; 2) his mother's birth certificate, indicating that [REDACTED] was born on 12 September 1890 in Michalovce, Czechoslovakia (now Slovakia); 3) his parents' marriage certificate, indicating that [REDACTED] (who was born in Certiz) and [REDACTED], who were both Jewish, were married in 1920 in Michalovce; 4) his own birth certificate, indicating that [REDACTED 5] was born on 29 June 1925 in Michalovce and that his parents were [REDACTED] and [REDACTED], who were both Jewish; and 5) his own name change certificate, indicating that [REDACTED 5] was born on 29 June 1925, that his father's name was [REDACTED], and that he changed his surname from [REDACTED] to [REDACTED] on 17 March 1961.

Information Available in the Bank's Records

The Bank's records consist of a list of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Hermann Keller. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held an account, numbered 32897, which was transferred in December 1957 to a suspense account, where it remains today. The amount in the account on the date of its transfer was 4.65 Swiss Francs ("SF"). 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") indicated that there was no evidence of activity on this account after 1945.

Pursuant to Article 6 of 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 additional documents. These documents consist of a list of dormant

¹⁰ In a separate decision, the CRT awarded the account of Berta Keller to Claimant [REDACTED 5]. See *In re Account of Berta Keller* (approved on 11 May 2005).

savings/passbook accounts and indicate that the Account Owner held one savings/passbook account, numbered 32897.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names match 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 his name.

In support of his claim, Claimant [REDACTED 1] submitted documents, including his own passport, providing independent verification that he has the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Herman (Herschel) Zvi Keller, and indicates that his date of birth was December 1895 and place of birth was Gr. Radomyzl, Poland, that he lived in Leipzig, that he was married to [REDACTED], that he had a child named [REDACTED], and that he perished in a concentration camp, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the database also includes a person named Herman Keller, and indicates that his date of birth was 1879 and place of birth was Czertis, Czechoslovakia, that he lived in Czertis, that he was married to [REDACTED], née [REDACTED], and that he perished in Auschwitz in 1944, which matches the information about the Account Owner provided by Claimant [REDACTED 6] and Claimant [REDACTED 5]. The CRT notes that the entry pertaining to this individual consists of a page of testimony submitted by his niece, [REDACTED].

The CRT notes that the name Hermann Keller 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 Claimants [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 6], and [REDACTED 5] filed their ATAG Forms and IQs between 1997 and 1999, asserting their entitlement to a Swiss bank account owned by the Account Owner, prior to

the publication in February 2001 of the ICEP List. This indicates that these Claimants have based their claims not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them independently of the publication of the ICEP List. It also indicates that these Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by these Claimants.

The CRT further notes that Claimant [REDACTED 1] submitted an IQ in 1999, asserting his entitlement to an account owned by Gertrud Keller, and identifying his father as Hersh Keller and himself as [REDACTED 1], prior to the publication in February 2001 of the ICEP List. The CRT notes that Hersh is a Yiddish or Hebrew name that often corresponds to the secular name Herman. This indicates that that Claimant [REDACTED 1] has based his 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 prior to the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that his relative's spouse owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative, Claimant [REDACTED 4]'s relative, and Claimant [REDACTED 6]'s and Claimant [REDACTED 5]'s relative are different persons. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he lived in Poland, and that he was deported to the ghetto in Blich, Poland, where he perished in 1942.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he was in slave labor during the Holocaust, and that he presumably perished in a concentration camp. Claimant [REDACTED 2] submitted her mother's account of her family's fate during the Holocaust, published in 1990, indicating that she was sent on a *Kindertransport* from Germany to England in 1939 and that she never saw her parents or siblings again. As noted above, a person named Herman Keller was included in the CRT's database of victims. The CRT further notes that Herman Keller's wife [REDACTED], née [REDACTED], and their children [REDACTED] (who was born in 1927) and [REDACTED] ([REDACTED]) (who was born in 1930) were also included in the database.

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that his factory was seized by the Nazis, and that he perished in Auschwitz in 1944. The CRT notes that a person named [REDACTED 3], who was from Romania and who was deported to the ghetto in Shargorod at the age of 15, was included in its database of victims.

Claimant [REDACTED 4] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish and that he resided in Romania/Hungary. Claimant [REDACTED 4] further stated that the Account Owner's daughter performed slave labor from 1943 to 1944 and that she was deported to Auschwitz in 1944.

Finally, Claimant [REDACTED 6] and Claimant [REDACTED 5] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimants [REDACTED 6] and [REDACTED 5] stated that the Account Owner was Jewish and that he perished in Auschwitz in 1944. Claimants [REDACTED 6] and [REDACTED 5] also submitted various documents indicating that their families are Jewish. As noted above, a person named Herman Keller was included in the CRT's database of victims. The CRT further notes that Herman Keller's wife [REDACTED] and their children [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were included in the database. In addition, the CRT notes that persons named [REDACTED], [REDACTED], and [REDACTED], née [REDACTED], were also included in the database.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. The CRT further notes that Claimant [REDACTED 1] filed an ATAG Form in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 1] submitted his own passport, indicating that he has the same name as the Account Owner. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s grandfather. The CRT further notes that Claimant [REDACTED 2] filed her IQ in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication of the ICEP List; that she also identified information which matches information contained in the Yad Vashem records; and that these records indicate that the Account Owner had a child named [REDACTED]. The CRT further notes that Claimant [REDACTED 2] submitted copies of her birth certificate and identification documents, which

indicate that her mother was [REDACTED], née [REDACTED]. 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s uncle. The CRT further notes that Claimant [REDACTED 3] filed her IQ in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication of the ICEP List. 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 4]'s father. The CRT further notes that Claimant [REDACTED 4] filed her IQ in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication of the ICEP List. 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 Claimant [REDACTED 4] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 4] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 6] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 6]'s uncle. The CRT further notes that Claimant [REDACTED 6] filed her ATAG Form in 1997 and IQ in 1999, identifying her relationship to the Account Owner, prior to the publication of the ICEP List; that Claimant [REDACTED 6] also identified information which matches information contained in the Yad Vashem records; and that the information provided by Claimant [REDACTED 6] is consistent with the information provided by Claimant [REDACTED 5]. The CRT further notes that Claimant [REDACTED 6]'s son submitted copies of his birth certificate and his mother's death certificate, which provide independent verification that his relatives bore the same family name as the Account Owner and that they resided in Czechoslovakia. 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 Claimant [REDACTED 6] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 6] is related to the Account Owner, as she has asserted in his ATAG Form and IQ. There is no information to indicate that the Account Owner has other surviving heirs, apart from Claimant [REDACTED 5].

Claimant [REDACTED 5] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 5]'s father's cousin. The CRT further notes that Claimant [REDACTED 5] filed his ATAG Form in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 5], prior to the publication of the ICEP List; that Claimant [REDACTED 5] also identified information which matches information contained in the Yad Vashem records; and that the information provided by Claimant [REDACTED 5] is consistent with the information provided by Claimant [REDACTED 6]. The CRT further notes that Claimant [REDACTED 5] submitted copies of his father's birth certificate and his parents' marriage certificate, which provide independent verification that his relatives bore the same family name as a person identified in the Yad Vashem records as the Account Owner's niece and that they resided in Certiz/Ung Csertes. 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 Claimant [REDACTED 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as he has asserted in his ATAG Form. There is no information to indicate that the Account Owner has other surviving heirs, apart from Claimant [REDACTED 6].

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred in December 1957 to a suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], [REDACTED 4], and [REDACTED 6]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner his father, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her grandfather, Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her uncle, Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her father, and Claimant [REDACTED 6] has plausibly demonstrated that the Account Owner was his great-uncle, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 6], as a descendant of the Account Owner's parents, has a better entitlement to the account than Claimant [REDACTED 5], a descendant of the Account Owner's grandparents.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the account as of December 1957 was SF 4.65. 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 account between 1945 and 1957. Consequently,

the adjusted balance of the account at issue is SF 199.65. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimants [REDACTED 1], [REDACTED 2], [REDACTED 3], [REDACTED 4], and [REDACTED 6] are each entitled to one-fifth of the Award amount. As indicated above, Claimant [REDACTED 5] is not entitled to a division of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
18 December 2007