

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Albert Klein and Olga Klein

Claim Number: 203694/GO¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Albert Klein (“Account Owner Albert Klein”) and Olga Klein (“Account Owner Olga Klein”) (together the “Account Owners”) at the Zurich branch of 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 Form identifying the Account Owner as his adoptive parents, Albert Klein and Olga Klein, née Braun. The Claimant stated that his adoptive father was born on 10 October 1894 in Gavana-Pitesti, Romania, that Olga Braun was born on 7 September 1896 in Sinaia, Romania, and that they were married on 18 September 1919 in Bucharest, Romania. The Claimant explained that he was adopted on 25 November 1941. According to the Claimant, his adoptive parents resided at Ramei (Rome) Street 15 in Bucharest, and his adoptive father was a manager in a company in Bucharest. In addition, the Claimant stated that his adoptive father was involved in a homosexual relationship with his business partner and that he was persecuted because of his sexual orientation. The Claimant stated that his adoptive father was imprisoned in 1944 and again after the War from 1952 to 1953. The Claimant stated that his adoptive father died on 7 February 1955 in Bucharest, that his adoptive mother died on 29 July 1977 in Bonn, Germany, and that he is their only heir.

The Claimant submitted copies of documents, including: (1) his adoptive parents’ marriage certificate, indicating that Albert Klein and Olga Braun were married on 18 September 1919 in Bucharest; (2) his own birth certificate, indicating that [REDACTED] was born 25 July 1939 in

¹ In a separate decision included in this award batch, the Claimant was awarded an account belonging to E. Bachmann.

Bucharest, that [REDACTED] was his biological mother, and that he was adopted on 25 November 1941 by Olga and Albert Klein; (3) a court decision, issued on 27 October 1953, indicating that [REDACTED]'s name was changed to [REDACTED]; (4) his adoptive father's death certificate, indicating that Albert Klein died on 7 February 1955 in Bucharest; (5) his adoptive mother's notarized contract of donation ("*Schenkungsvertrag*"), indicating that Olga Klein was [REDACTED]'s mother and that on 4 April 1977 she donated real estate located in Bonn to him; and (6) his adoptive mother's death certificate, indicating that Olga Klein died on 29 July 1977 in Bonn.

The Claimant indicated that he was born 25 July 1939 in Bucharest.

Information Available in the Bank's Record

The Bank's record consists of a numbered account card. According to this record, the Account Owners were Albert A. Klein and *Frau* (Mrs.) Olga Klein, who both resided at Roma (Rome) Street 15 in Bucharest, Romania. The Bank's record indicates that the Account Owners held a numbered account, the type of which is not indicated, under the number 12681, and that they instructed the Bank to hold all correspondence. The Bank's record does not indicate when the account at issue was closed, nor does this record indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was were closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's adoptive parents' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimant identified the Account Owner's street address, which matches unpublished information about the Account Owners contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his adoptive parents' marriage certificate, his own birth certificate, his adoptive father's death certificate, his adoptive mother's notarized contract of donation, and his adoptive mother's death certificate, providing independent verification that the persons who are claimed to be the Account Owners had the

same names and resided in the same town recorded in the Bank's record as the names and city of residence of the Account Owners.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence and spouses' names' than the city of residence and spouses' names' of the Account Owners.

Status of Account Owner Albert Klein as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Albert Klein was a Victim of Nazi Persecution. The Claimant stated that Account Owner Albert Klein was homosexual, that he resided in Nazi-allied Romania, that he was persecuted because of his sexual orientation and that he was imprisoned in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's adoptive parents. These documents include his own birth certificate, indicating that [REDACTED] was adopted by Olga and Albert Klein, and his adoptive mother's notarized contract of donation, indicating that Olga Klein was [REDACTED]'s mother. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that Account Owner Albert Klein was imprisoned as of 1944; that there is no record of the payment of the Account Owners' account to them nor any record of a date of closure of the account; that the Account Owners and their heirs would not have been able to obtain information about their account 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), (i) 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 Owners or their 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 Owners were his adoptive parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs (“SF”). 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 SF 49,375.00.

Certification of the Award

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

Claims Resolution Tribunal
21 December 2009