

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Friederica Kalman
represented by Egon Kalman

in re Account of Alfred Koenig

Claim Number: 201321/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Friederica Kalman, née König, (the “Claimant”) to the account of Jacob König.¹ This Award is to the published account of Alfred Koenig (the “Account Owner”) at the Einsiedeln branch of 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 her brother, Alfred König, who was born on 2 October 1913 in Vienna, Austria. The Claimant stated that her brother, who was Jewish, resided in Vienna at Servitengasse 21. The Claimant stated that her brother worked as a company employee in Vienna, although she does not recall the name of the company at which he worked. In addition, the Claimant stated her belief that her father or mother held an account or accounts in Switzerland. The Claimant explained that her father, Jacob König, who ran his own company, dealt with a company known as *Guggenheim, Einstein und Söhne* located in Zurich, Switzerland, and sold their textiles in Vienna. The Claimant also stated that her father did business with a company known as *Reichenbach* in St. Gallen, Switzerland. The Claimant stated that her brother fled Vienna to Turkey in 1938. Finally, the Claimant stated that her brother died on 29 November 1986 in Anadi, Italy. The Claimant indicated that her brother has children, with whom she lost contact after his death. In support of her claim, the Claimant submitted her birth certificate and marriage certificate, indicating her maiden name was Friederike König, that she is Jewish, and that her parents were Jacob König and Emma König, née Geiger, who resided in Vienna.

¹ The CRT did not locate an account belonging to Jacob König in the Account History Database 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”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

The Claimant indicated that she was born on 3 November 1910 in Vienna.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Jacob König.

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 Alfred Koenig. The Bank's record does not contain any information about the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account but its type is not indicated.

The account was transferred to a suspense account for dormant assets on 24 April 1985. The amount in the account on its date of transfer was 11.00 Swiss Francs. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name matches the published name of the Account Owner.² The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT further notes that the name Alfred Koenig appears only once on the February 2001 published list of accounts determined by 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") to be probably those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Jacob König, prior to the publication of 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 one of her relatives, 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 information provided by the Claimant.

Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

² The CRT notes that in German, the letter "ö" is pronounced "oe," and is often written as such.

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 he was forced to leave Vienna, Austria for Turkey in 1938.

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 brother. The CRT further notes that the Claimant submitted copies of her birth and marriage certificates, providing independent verification that the Claimant's relatives bore the family name König, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. The Claimant indicated that her brother has children, with whom she lost contact after his death. The CRT notes that it has to date received no other claims from any other family member of the Account Owner.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account, where it remains.

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 her brother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 24 April 1985 was 11.00 Swiss Francs. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 645.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1 January 1945 and 24 April 1985. Consequently, the adjusted balance of the account at issue is 656.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 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 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 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 her claim to determine whether there are additional Swiss bank accounts to which she 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
8 June 2004