

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Moritz Josef Korkes

Claim Number: 703825/AX¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Moritz Josef Korkes (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) with the Court in 1999 identifying the Account Owner as her father, Joseph Moritz Korkes, who was born on 24 December 1899. The Claimant stated that Joseph Korkes, along with his family, resided at Margaretenplatz 6 in Vienna, Austria. According to the Claimant, her father, who was Jewish, owned a men's clothing store at the same address, and another store next door. The Claimant indicated that her father's property was confiscated after the incorporation of Austria into the Reich in March 1938 (the *Anschluss*), and that he was forced to leave Austria due to Nazi persecution. The Claimant further indicated that her father fled to Marseilles, France, on 2 February 1939 to wait for his visa to enter the United States. The Claimant stated that, while in France, her father was interned at Camp De Milles and Camp Forcalquier until his visa to the United States was approved in March 1940. The Claimant stated that her father arrived in New York, New York, the United States in April 1940. The Claimant indicated that her father died on 23 November 1992 in Flushing, New York.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0351110, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned Claim Number 703825.

In support of her claim, the Claimant submitted a letter from the Bank, dated 4 April 1939, indicating that Moritz Joseph Korke had deposited certain documents with the Bank for safekeeping, and that the Bank was charging him 2.00 Swiss Francs (“SF”) as a deposit and maintenance fee. Additionally, the Claimant submitted a document issued by the district court in Vienna, dated 12 November 1938, indicating that her father’s business was being liquidated, and a tax registration form for her father, dated 3 December 1938, showing that his daughter was [REDACTED], and that he had a son, [REDACTED]. The Claimant stated that she was born on 25 March 1930. The Claimant does not represent her brother, [REDACTED].

Information Available in the Bank’s Records

The auditors who carried out the investigation 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 report any accounts belonging to Moritz Josef Korke. Based upon the letter from the bank dated 4 April 1939 submitted by the Claimant, the CRT has determined that the Account Owner held a safe deposit box at the Bank.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Josef Moritz Korke, numbered 42888. According to these records, Josef Korke was born 24 December 1899 and was married to [REDACTED]. These records indicate that Josef Korke resided at Margaretenplatz 6 in Vienna 5, and that he was a clothing retailer. These records further indicate that he owned a store located at Margaretenplatz 5 in Vienna, with an estimated value of 20,746.78 Reichsmark (“RM”). These records make no mention of assets held in a Swiss bank account.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as her father. The Claimant’s father’s name matches the unpublished name of the Account Owner. In support of her claim, the Claimant submitted a letter from the Bank dated 4 April 1939 regarding a safekeeping account held by Moritz Josef Korke. 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 his business was liquidated by the Nazis, and that he was forced to flee Austria to escape Nazi persecution.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the tax registration form for Josef Korkes indicating that his daughter was [REDACTED]. The CRT notes that the Claimant does not represent her brother, [REDACTED], and he has not, as of the date of this award, submitted a claim to his father's account.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Austria after the *Anschluss*; that the Account Owner and his heirs would not have been able to obtain information about his 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 Presumption (h), 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 Owner or his 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 Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 deposited documents for safekeeping at the Bank. The CRT determines that this is an account similar to a safe deposit box. 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 a safety deposit account was SF 1,240.00. 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 15,500.00.

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
24 December 2004