

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Friedrich Kunz

Claim Number: 209242/SJ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Friedrich Kunz (the “Account Owner”) at the Schaffhausen 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 his grandfather’s cousin, Friedrich Kunz. The Claimant stated that Friedrich Kunz, who was Jewish, worked in Berlin, Germany, for approximately twenty years. The Claimant also stated that most of his extended family in Germany and France were killed in concentration camps. Furthermore, the Claimant provided a detailed family tree exhibiting his relationship to Friedrich Kunz. In addition to the family tree, the Claimant submitted the death certificates of his great-grandfather, [REDACTED]; his grandfather, [REDACTED]; and his mother, [REDACTED]; indicating that their last name was Kunz. Finally, the Claimant also submitted numerous family photographs, including a number from the 1930s.

The Claimant indicated that he was born on 16 November 1954 in Santa Monica, California, the United States.

¹ The Claimant submitted five additional claims. Three claims were to the account of [REDACTED] and were registered under Claim Numbers 200847, 203071 and 203132 (and consolidated under the Claim Number 203071), and one claim was to the account of [REDACTED], registered under the Claim Number 211470. The CRT will treat the claim to the account of [REDACTED] in a separate decision. The CRT previously issued to the Claimant a Certified Award to the account owned by Max Kunz, in which a related claimant was determined to be more entitled to the account. The remaining claim was to [REDACTED], registered under the Claim Number 211375. The CRT previously issued to the Claimant a Certified Award to the account owned by Rosa Kunz, which was approved by the Court on 20 November 2002. See *In re Account of Rosa Kunz*.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and ATAG Ernst & Young claim form in 1997 asserting his entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED] of Paris, France.

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 Friedrich Kunz. 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 one account, but it does not indicate the type of account held.

According to the Bank's record, the account, numbered 10487, was transferred to a suspense account for dormant assets on 17 November 1987. The amount in the account on the date of its transfer was 3.60 Swiss Francs (SF). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's cousin'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 his name. In support of his claim, the Claimant submitted documents, including the death certificates of his great-grandfather, [REDACTED]; his grandfather, [REDACTED]; and his mother, [REDACTED], indicating that their last name was Kunz.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1997 asserting his entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED] of Paris, France, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). Although these claims were to different family members, they indicate that the Claimant had reason to believe that members of his family owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Furthermore, the CRT notes that the name Friedrich Kunz appears only once on the ICEP List. Finally, 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

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 most of his extended family was killed in concentration camps during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the cousin of his grandfather. The CRT notes that the Claimant submitted documents, including the death certificates of his great-grandfather, [REDACTED]; his grandfather, [REDACTED]; and his mother, [REDACTED]. The CRT notes that these documents provide independent verification that the Claimant's relatives bore the family name Kunz, which supports the plausibility that the Claimant 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.

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 his grandfather's cousin, and that relationship justifies an Award. Third, 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, as of 17 November 1987, the value of the account of unknown type was SF 3.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between January 1945 and November 1987. Consequently, the adjusted balance of the account at issue is SF 688.60. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 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
8 August 2004