

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Rosa Kunz

Claim Number: 211375/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rosa Kunz (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 Claimant

The Claimant submitted a Claim Form and Initial Questionnaire identifying the Account Owner as Rosa Kunz, his great-grandfather’s sister, who was Jewish and was born on 6 August 1883 in Berlin, Germany, where she lived and worked as a shop owner. According to the Claimant, Rosa Kunz and her entire family were living in Berlin when they were all arrested and sent to Nazi concentration camps. The Claimant explained that the Account Owner was killed at Auschwitz in 1944. The Claimant stated that he was born on 16 November 1954 in Santa Monica, California, United States.

Information Available in the Bank Records

The bank records consist of printouts from a listing of accounts that were transferred to a collective account, which is a grouping of open and dormant accounts. According to these records, the Account Owner was Rosa Kunz, whose account was transferred to a collectivized account and then closed to the Bank’s profit and loss account. The bank records do not indicate the type of account held, but they indicate that the balance of the account on 30 June 1937 was 7.75 Swiss Francs. There is no evidence in the bank records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His great-aunt's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted documents, including birth and death certificates of relatives from the Kunz family. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rosa Kunz, and indicates that her date of birth was 6 August 1883, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that there are no other claims to this account.

Status of the Account Owner as Victims 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 she was murdered by the Nazis at Auschwitz. Also, as mentioned above, the Account Owner is listed in a database containing names of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that his mother's maiden name was [REDACTED], and a family tree and narrative stating that his great-grandfather's sister was named Rosa Kunz. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was the sister of his great-grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

The Bank records indicate that the value of the account held by Rosa Kunz was 7.75 Swiss

Francs on 30 June 1937. According to Article 35 of the Rules, if the amount in an unknown type of account 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 present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount for the account of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 65% of the Certified Award, and the Claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account values, and 65% of the total award amount is 30,810.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

November 26, 2002