

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Selma Lamberg

Claim Number: 501230/AK

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Selma Lamberg (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 identifying the Account Owner as his mother, Selma Lamberg, née Ehrenstein, who was born on 7 November 1878 in Gödingen, Moravia (today Hodonin, Czech Republic), and was married to [REDACTED] on 16 January 1918 in Vienna, Austria. The Claimant stated his mother, who was Jewish, was a housewife, and that she resided at Feilplatz 3/14 in Vienna until 1938. He stated that his mother had various addresses in the Vienna ghettos from 1939 and 1943. The Claimant further stated that he was an only child, and that his parents were deported to Theresienstadt in 1943 and in 1944 to Auschwitz, where they perished.

In support of his claim, the Claimant submitted his birth certificate, issued by the Jewish community of Vienna on 5 November 1993, showing that his parents were [REDACTED] and Selma Lamberg, and that they resided at Feilplatz 3 in Vienna. The Claimant also submitted a certificate of inheritance, issued by the municipality of Vienna on 16 March 1949, showing that the Claimant was the only heir to the estate of [REDACTED], who had been declared as deceased on 8 May 1945.

The Claimant indicated that he was born on 31 December 1918 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's opening and closing register of numbered accounts. According to these records, the Account Owner was *Frau* (Mrs.) Selma Lamberg, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held a numbered account, the type of which is not indicated, held under the designation 61983. The Bank's records indicate that the account was opened on 8 March 1938 by way of transfer from an account held in the Account Owner's name (*Uebertrag von Namen*). These records further indicate that the account was closed by way of transfer to the *Länderbank* in Vienna, Austria on 21 September 1938. The amount in the account on the date of its transfer is unknown.

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 Selma Lamberg, numbered 30784. These records show that Selma Lamberg was born on 7 November 1878, that she resided at Feilplatz 3 in Vienna, and that she was retired. They further record that Selma Lamberg held various securities worth 6,957.00 Reichsmark ("RM") as well as liquid assets worth RM 12,830.00 and a pension capitalized at RM 14,550.00. These records, signed by Selma Lamberg on 7 July 1938, 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. The Claimant's mother's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including his birth certificate, indicating that his mother was Selma Lamberg, who resided in Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Selma Lamberg, and indicates that her date of birth was 7 November 1878 and place of birth was Vienna, 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 notes that the name Selma Lamberg appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be

probably or possibly those of victims of Nazi persecution (the “ICEP List”). Finally, 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, and that she and her husband perished in Auschwitz. As noted above, a person named Selma Lamberg was included in the CRT’s database of victims.

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 and documents, demonstrating that the Account Owner was the Claimant’s mother. These documents include his birth certificate, stating that the Claimant is the son of Selma Lamberg. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was transferred to the Nazi-controlled *Länderbank* in Vienna on 21 September 1938, at which time the Account Owner was still residing in Vienna. Given that the Account Owner would not have been able to repatriate her assets without their confiscation by Nazi authorities; that the Account Owner perished in Auschwitz; and that the Account Owner and her heirs would not have been able to obtain information about her 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) 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 Owner or her 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 his mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her 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 investigation carried out pursuant to the instructions of ICEP (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.

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
31 March 2005