

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2]

in re Account of Alexe Luchian

Claim Number: 300768/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Alexe Luchian (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 a Claim Form identifying the Account Owner as Alexe Luchian, who was married to the Claimant’s maternal grandmother’s aunt, [REDACTED], in 1922 or 1923 in Bucharest, Romania. The Claimant stated that Alexe Luchian, who was Jewish, was a fishmonger who owned a shop called *Magazin Luchian* on Victoria Street in Bucharest, as well as several fish farms in Vilcovo, which is located on the Black Sea (today in the Ukraine). The Claimant added that Alexe and [REDACTED] Luchian lived in Bucharest at Alexandru Lahovari Street 7. The Claimant further stated that Alexe Luchian used to help her family by giving money to his sister-in-law, the Claimant’s grandmother’s mother. According to the Claimant, during the Second World War, in 1944, Alexe Luchian was killed in Bucharest, leaving his wife, [REDACTED], but no children. The Claimant also stated that [REDACTED] remarried after the death of Alexe Luchian and became known as [REDACTED]. The Claimant indicated that following the death of [REDACTED] in an earthquake in Bucharest in March 1977, the Claimant’s grandmother, [REDACTED 2] is the only surviving heir of Alexe Luchian. In support of her claim, the Claimant submitted a copy of her family tree and several family photographs. The Claimant indicated that she was born on 20 February 1967 in Chisinau, Moldova. The Claimant represents her grandmother, [REDACTED 2], née [REDACTED], who was born on 24 July 1922 in Millerovo, Russia.

Information Available in the Bank's Records

The Bank's records consist of lists of account statements, a list of accounts, and a letter from the Bank to the Account Owner regarding restrictions on foreign ownership of British currency in July 1940. According to these records, the Account Owner was Alexe Luchian. The Bank's records do not indicate where the Account Owner resided. The Bank's records indicate that the Account Owner held a demand deposit account in Pound Sterling, which was opened no later than 3 January 1939. According to the Bank's records the account balance as of 31 December 1945 was 29 pounds and 6 shillings.

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") reported that the account was dormant from 1945, or earlier, until 21 May 1975, when the account was closed. The Bank's records do not show to whom the account was paid, nor do these records indicate the value of this account on the date of its closure. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The name of the Claimant's grandmother's aunt's husband matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT further notes that the name Alexe Luchian appears only once on the February 2001 published list of accounts determined by 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. Taking all 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 he was killed during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her family tree, demonstrating that the Account Owner's wife was the aunt of the Claimant's grandmother. Further, the CRT notes that the Claimant submitted specific biographical information about the Account Owner, including his business and residence addresses in Bucharest, his profession, and his wife's name, and that the foregoing information is of the type that family members would possess, indicating that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the

Claimant is related to the Account Owner, as she has asserted in her Claim Form. Aside from the Claimant's grandmother, whom the Claimant represents in these proceedings, there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the account was closed nearly thirty years after the Account Owner died; that the Account Owner's wife resided in a Communist country in Eastern Europe after the Second World War, meaning that it would have been difficult for her to access the account; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's 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 Presumptions (b), (h), (i) 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 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's grandmother, [REDACTED 2]. 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 the husband of her grandmother's aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account. Further, the CRT notes that the Claimant's grandmother, as the daughter of the Account Owner's sister-in-law, is more closely related to the Account Owner than is the Claimant, and therefore has a better entitlement to the account.

Amount of the Award

In this case, the Account Owner held one demand deposit account in Pounds Sterling with a balance as of 31 December 1945 of 29 pounds and 6 shillings (or 29.30 Pounds in decimal terms),¹ equivalent to 507.18 Swiss Francs ("SF").² According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

¹ Before the decimalization of the British Pound in 1971, values in Pound Sterling were expressed in terms of pounds, shillings and pence. The CRT has converted the account balance to the decimal value for the purposes of calculating the current value of this account. In decimal terms, one shilling is equivalent to £1/20 and one penny is equivalent to £1/240.

² In calculating the value in Swiss Francs, the CRT uses official exchange rates.

Division of the Award

In this case, the Claimant is representing her grandmother, [REDACTED 2]. According to Article 23(1)(g) of the Rules, if no direct descendant of the Account Owner has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, therefore, the Claimant's grandmother is entitled to the full amount of the Award. As discussed above, the Claimant is not entitled to share in the award.

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
25 October 2004

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