

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of *Mme. H. Michaelis*

Claim Number 214006/AY

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of H. Michaelis (the “Account Owner”) at the Geneva 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 his paternal grandmother, Hanna (or Johanna) Michaelis, née [REDACTED], who was born on 16 August 1885 in Berlin, Germany, to [REDACTED] and [REDACTED] [REDACTED], and was married to [REDACTED] on 31 December 1908 in Berlin. The Claimant indicated that his grandparents, who were Jewish, resided in Berlin at Lothringerstrasse 13 (today Torstrasse), until 1930; at Spenerstrasse 9, until 1935; and at Hirtenstrasse 17 in Berlin, until 1941, when [REDACTED] died in the Jewish hospital in Berlin. The Claimant stated that [REDACTED] was an officer in the German army during the First World War, and that he later started a fur business, which was eventually confiscated by the Nazis. The Claimant further stated that [REDACTED] was the co-owner of a pawn shop with his wife and her sister, [REDACTED], née [REDACTED]. According to the Claimant, Hanna and [REDACTED] Michaelis had two children: [REDACTED] and [REDACTED], the Claimant’s father. The Claimant stated that [REDACTED] assisted in his parents’ business and frequently traveled to Switzerland and Paris, France. The Claimant stated that his grandmother was murdered by the Nazis in the Riga Ghetto, that [REDACTED] died in Bulgaria in 1945, and that [REDACTED] died in 1946. In support of his claim, the Claimant submitted the marriage certificate of Johanna and [REDACTED] Michaelis, and official certificates issued by Berlin’s registry office, stating the

¹ The CRT will treat the claim to this account in a separate decision.

dates and places of birth of Johanna Michaelis and [REDACTED]. The Claimant also submitted the death certificate of [REDACTED] and a certificate issued by the Jewish Community of Berlin providing information about [REDACTED].

The Claimant stated that he was born on 7 August 1942 in Berlin. The Claimant is representing his brother, [REDACTED], who was born on 11 April 1937 in Berlin.

Information Available in the Bank Records

The bank records consist of bank statements and ledger cards. According to these records, the Account Owner was *Mme.* (Mrs.) H. Michaelis. 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”) determined that the Account Owner was a resident of an Axis controlled country. The bank records do not show the type of account or when it was opened. The bank records indicate that on 18 November 1938, the account was transferred to a suspense account, which is a grouping of dormant and open accounts. The bank records also indicate that on 10 February 1949 the account was closed by fees and charges by the Bank. The account balance on the closure date was 3.00 Swiss Francs. The bank records do not indicate why fees were charged to the account after it had been suspended.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His paternal grandmother’s name matches the published name of the Account Owner. The Claimant stated that Michaelis was his grandmother’s married name, which matches published information contained in the bank records. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Johanna Michaelis, née [REDACTED], and indicates that her date of birth was 16 August 1885 and that her place of birth was Berlin, 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 further notes that the other claims to this account were disconfirmed due to inconsistent gender information provided by the other claimants.

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 was murdered by the Nazis in the Riga Ghetto. As noted above, a person named Johanna Michaelis 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 documents, including the marriage certificate of his grandparents and official certificates issued by Berlin's registry office, stating the date and place of birth of Johanna Michaelis.

The Issue of Who Received the Proceeds

The bank records indicate that the Bank closed the account by fees and charges on 10 February 1949.

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 grandmother, 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 account.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. The bank records indicate that the value of the account as of 10 February 1949 was 3.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type 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 balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares of representation. In this case, the Claimant is representing his brother, [REDACTED]. Therefore, the Claimant and his brother are each entitled to one-half of the total award amount.

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
May 15, 2003