

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Alfred Casparius
represented by Ruth A. Casparius

in re Account of Paul Michaelis

Claim Number: 400570/MBC¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Alfred Walter Casparius (the “Claimant”) to the published account of Paul Michaelis (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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 mother’s cousin, Paul Michaelis, who was born in Germany, and resided in Luckenwalde, Germany, until the onset of the Second World War. The Claimant indicated that his maternal grandmother, Ernestine Schütz, née Michaelis, had three siblings: Felix Michaelis, Alfred Michaelis, and Selma Mattersdorf, née Michaelis. The Claimant indicated further that Felix Michaelis, who was born in Berlin, Germany, was married to Josephine Michaelis, and that they had two sons: Paul Michaelis and Albert Michaelis. The Claimant also indicated that his grandmother’s brother Alfred, his wife Marie and their daughter Lisa, resided in Berlin. The Claimant stated further that his family was Jewish, and in 1939, he fled on a *Kindertransport* (“children’s transport”) to Holland, and that his parents and the rest of his family, including Paul Michaelis, perished in the Holocaust. The Claimant indicated that he was born on 19 August 1923 in Berlin.

¹ The Claimant submitted two additional claims, which are registered under the Claim Numbers 207605 and 400568. Regarding Claim Number 207605, in a separate decision, the CRT awarded the accounts of Marie Michaelis to the Claimant. See *In re Accounts of Marie Michaelis* (approved on 3 June 2003). The CRT will treat Claim Number 400568 in a separate determination.

² The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”), the name Paul Michaelis also appears. Upon careful review, the CRT has determined that the second Paul Michaelis is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as his relative.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Paul Michaelis, who resided in Adlershof and Berlin, Germany.³ The Bank's record indicates that the Account Owner held a custody account, and that it was closed on 8 December 1933. The Bank's record does not indicate the value of this account. There is no evidence in the Bank's record 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 Claimant's mother's cousin's name and country of residence match the published name and country 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 Paul (Hugo) Michaelis, and indicates that his date of birth was 29 March 1886, that he resided in Berlin, and that he perished in Auschwitz, which substantially 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 Claimant did not identify the title of the Account Owner contained in the Bank's record. The CRT also notes, however, that the Claimant also indicated he fled on a *Kindertransport* to Holland in 1939, and that all other members of the Michaelis family perished in the Holocaust. Given that the Claimant was a minor at the onset of the Second World War, that he fled on a *Kindertransport* to Holland when he was only approximately sixteen years old, and that the rest of his family perished in the Holocaust, the CRT determines that it is plausible the Claimant had no knowledge of his mother's cousin's title, and concludes that this does not adversely affect the Claimant's identification of the Account Owner. The CRT also notes that the Claimant indicated his mother's cousin resided in Luckenwalde, whereas the Bank's record lists Berlin and Adlershof. Given the same reasons relating to the Claimant's failure to mention his mother's cousin's title, that other relatives of the Claimant either were born or resided in Berlin, and that Luckenwalde is less than 65 kilometers from Berlin-Adlershof, and given that some of the notations in the Bank's record regarding the Account Owner's domicile are illegible, CRT concludes that it is plausible his mother's cousin used the cities of Berlin and Adlershof for purposes of his Bank account, and that the failure of the Claimant to precisely name the two legible locations in the Bank's record with respect to his mother's cousin's domicile does not negatively affect the Claimant's identification of the Account Owner.

The CRT notes that the name Paul Michaelis appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List") The CRT notes that

³ Additional notations regarding the Account Owner's domicile contained in the Bank's record are illegible.

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, that he resided in Nazi Germany, and that he and his family perished during the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's mother's cousin. The CRT notes that the Claimant also identified information which substantially matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family member would possess and indicates 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 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

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until the beginning of the Second World War, and that he would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that the Account Owner perished during the Holocaust; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),⁴ 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

Claimant has plausibly demonstrated that the Account Owner was his mother's cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 custody account. 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 a custody account was 13,000.00 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 162,500.00.

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
23 March 2007