

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Henri Daniel Schnurmann
also acting on behalf of Andre Michel Schnurmann,
Gabriel Schurmann and Suzanne Gabrielle Kugielsky

in re Account of Dominik Moos

Claim Number: 216295/AV¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Henri Schnurmann (the “Claimant”) to the published account of Dominik Moos (the “Account Owner”), over which Adele Moos (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of 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 maternal grandfather, Dominik Moos, who was born on 14 February 1886 in Gailingen, Germany, and was married to Eva Moos, née Bendheim. The Claimant indicated that his grandfather’s parents were Emil Moos and Clara (Adele) Moos, née Weil. The Claimant stated that his father was a businessman, and that he resided at Darmstädterstrasse 35 in Bensheim, Germany. The Claimant indicated that his grandfather had one daughter, Carry Schnurmann, née Moos, the Claimant’s mother. According to the Claimant, his grandfather, who was Jewish, fled from Germany to Strasbourg, France, in 1935. The Claimant further stated that in 1940, his grandfather moved to Nantes, France, where he resided on rue de Strasbourg, and that he resided in Marseilles, France, beginning in 1940. The Claimant added that his grandfather went into hiding in 1942, but that he

¹ The Claimant submitted two additional claims to the accounts of Max Schnurmann and Erwin Schnurmann, which are registered under the Claim Numbers 210066 and 211337, respectively. In a separate decision, the CRT awarded the accounts of Max Schnurmann and Erwin Schnurmann to the Claimant. See *In Re Accounts of Max Schnurmann and Erwin Schnurmann* (approved on 28 May 2004).

² The CRT notes that the name Dominik Moos does not appear 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”). The CRT further notes that the name Dominik Moos appears on the 23 July 1997 list of non-Swiss dormant accounts published by the Swiss Bankers Association.

was discovered by the *Gestapo* in 1944. The Claimant indicated that his grandfather survived the Second World War, and that he resided in Montevideo, Uruguay, from 1946 until his death on 8 March 1970.

The Claimant submitted his grandfather's death certificate, identifying him as Dominik Moos Weil, indicating that he was a German national, and identifying his children as Karry and Emil; his mother's birth certificate, identifying her as Carry Betty Moos, identifying her father as Dominik Moos, and indicating that he resided in Frankfurt; and his mother's identification papers, identifying her as Carry Schnurmann, née Moos, and indicating that she had four children: Suzanne Gabrielle Schnurmann, Henri Daniel Schnurmann, Andre Michel Schnurmann, and Gabriel Jose Schnurmann.

The Claimant indicated that he was born on 18 March 1939 in Strasbourg. The Claimant is representing his siblings: Suzanne Gabrielle Kugielsky, née Schnurmann, who was born on 4 February 1936 in Strasbourg; Andre Michel Schnurmann, who was born on 11 October 1940 in Marseilles; and Gabriel Jose Schnurmann, who was born on 25 May 1946 in Montevideo.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Dominik Moos. The CRT notes that the Claimant's mother, Carry Betty Schnurmann, submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Dominik Moos.

The Proceedings before the Claims Resolution Tribunal for Dormant Accounts in Switzerland ("CRT I")

As indicated above, the Claimant's mother previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Dominik Moos, whose name appeared on the 23 July 1997 list of non-Swiss dormant accounts published by the Swiss Bankers Association. On 29 April 1998, the Claimant's mother received a letter from ATAG Ernst & Young, disclosing that Dominik Moos held an account at the Bank, which had a balance of 6.00 Swiss Francs ("SF"). This letter indicated that the Claimant's mother should sign the Claims Resolution Agreement and submit for claim for decision by CRT I. The Claimant's mother opted not to sign the Claims Resolution Agreement.³

The Claimant's mother's claim form was not forwarded to the CRT II (or, here, "CRT"), which processes Deposited Assets claims to Swiss bank accounts in connection with the Settlement Agreement reached in the Holocaust Victim Assets Litigation in the United States District Court for the Eastern District of New York, Chief Judge Edward R. Korman presiding. Moreover, ATAG Ernst & Young did not forward the account of Dominik Moos to the CRT for inclusion in the Account History Database ("AHD"), which is the database of accounts designated by the Independent Committee of Eminent Persons ("ICEP") as probably or possibly related to Victims of Nazi Persecution.⁴ The CRT, after receiving the Claimant's claim, accessed and reviewed the

³ The Claimant explained that he and his mother thought that the Claimant's grandfather's account should have held more than SF 6.00, and therefore decided not to proceed with the CRT I process.

⁴ See Article 3(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

CRT I records concerning this account, which are described in detail below. The CRT notes that, although the records were not reported by the ICEP auditors for inclusion in the AHD, Article 22(3) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) provides that the CRT may make an award in a case in which a claimant plausibly establishes a right to an account that falls within the CRT’s jurisdiction but which, for whatever reasons, was not identified during the ICEP Investigation and therefore not subjected to matching and/or research.

Information Available in the Bank’s Records

The Bank’s records consist of a power of attorney form and a list of dormant accounts. According to these records, the Account Owner was *Herr* (Mr.) Dominik Moos, who resided at Darmstädterstrasse 35 in Bensheim, Germany as of 13 October 1940, and later at 65 rue Castor in Nantes, France, and the Power of Attorney Holder was *Frau* (Mrs.) Adele Moos, who resided in Frankfurt, Germany. The Bank’s records indicate that the Account Owner held an account, the type of which is not indicated. The Bank’s records indicate that this account was transferred on 29 November 1952 to a suspense account. The amount in the account on the date of its transfer was SF 6.00. The account remains open and dormant.

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of ICEP (the “ICEP Investigation”) did not report an account belonging to Dominik Moos during their investigation of the Bank. As noted above, this account was reported by the Bank in the CRT I process, and accessed by the CRT following the Claimant’s submission of his claim.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s grandfather’s name and cities and countries of residence match the published name and cities and countries of residence of the Account Owner. The Claimant identified the Account Owner’s street address in Bensheim, which matches unpublished information about the Account Owner contained in the Bank’s records. Moreover, the Claimant identified the unpublished name of the Power of Attorney Holder. In support of his claim, the Claimant submitted documents, including his grandfather’s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank’s records as the name and country of residence of the Account Owner. 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, that the Account Owner

fled from Germany to France in 1935, that the Account Owner went into hiding in 1942, and that he was discovered by the Gestapo in 1944.

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 grandfather. These documents include the Claimant's mother's birth certificate, indicating that Dominik Moos was the father of Carry Moos, and the Claimant's mother's identification papers, indicating that Carry Schnurmann, née Moos, was Henri Daniel Schnurmann's mother. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account, where it remains open and dormant.

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 grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 29 November 1952 was SF 6.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 120.00, which reflects standardized bank fees charged to the account between 1945 and 1952. Consequently, the adjusted balance of the account at issue is SF 126.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the account owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the account owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his siblings, Suzanne Gabrielle Kugielsky, née Schnurmann, Andre Michel Schnurmann, and Gabriel Jose

Schnurmann. Accordingly, the Claimant and his three siblings are each entitled to one-fourth 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
18 April 2006