

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Anna Moser

Claim Number: 770004/AC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].² This Award is to the published account of Anna Moser (the “Account Owner”) at the Delemont branch of the [REDACTED] (the “Bank”).³

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 an Initial Questionnaire (“IQ”) to the Court identifying the Account Owner as his mother, Anneliese (Anna) Feistmann, née Moser, who was born on 27 August 1909 in Offenbach, near Frankfurt, Germany, and was married to [REDACTED] in approximately 1939 in the United States. In a telephone conversation with the CRT on 25 August 2005, the Claimant explained that his mother, who was Jewish, resided in Offenbach until approximately 1937 or 1938, when she fled to the United States, where she later married the Claimant’s father.

¹ Claimant [REDACTED] (“the Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0001000068, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 770004.

² The CRT will address the claim to the account of [REDACTED], which appears on the List of Account Owners Published in 2005, in a separate determination.

³ The CRT notes that in addition to the account owned by the Account Owner treated in this decision, on the February 2001 published list of account determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), a person named Anna Moser from Schienen, Germany, was indicated as owning one account at another bank. Upon careful review, the CRT has concluded that the bank records evidence the existence of two accounts owned by this person. The CRT has determined that these accounts were owned by a different person than Account Owner Anna Moser identified in this Award, and will treat the claim to these accounts in a separate determination.

The Claimant stated that his mother's father was deported to a concentration camp, where he perished. The Claimant further explained that his parents had met in Germany, and that his father fled the country in approximately 1936 or 1937, initially to France and Switzerland, and subsequently to South America and finally the United States. According to information provided by the Claimant, his mother predeceased his father, who died on 16 October 1982 in Asheville, North Carolina, the United States. The Claimant stated that he was his parents' only child.

The Claimant submitted documents in support of his claim, including: (1) a copy of his own birth certificate, indicating that he was born on 8 December 1942 in Asheville, and that his parents were [REDACTED] and Anna Moser; (2) a copy of his father's will, dated 30 April 1980, indicating that [REDACTED] left his residual estate to his son, [REDACTED]; and (3) a copy of his father's death certificate, indicating that [REDACTED], who was born in 1897 in Germany, and was a widower at the time of his death, died on 16 October 1982, and that he had a son named [REDACTED].

The Claimant indicated that he was born on 8 December 1942 in Asheville.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Anna Moser. These records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account of unknown type.

The Bank's records indicate that on 14 December 1987, the account was transferred to the Bank's suspense account, where it remains. The amount in the account on the date of its transfer was 5.95 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name 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 her name.

In support of his claim, the Claimant submitted documents, including a copy of his own birth certificate, indicating that his mother was Anna Moser, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED], who was married to Anna Moser, prior to the publication in February 2001 of the list of account determined by ICEP to be

probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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, that her father perished in a concentration camp, and that she resided in Nazi Germany until approximately 1937 or 1938, when she fled to the United States.

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 a copy of his own birth certificate, indicating that his mother was Anna Moser. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of his father’s death certificate, indicating that [REDACTED] was born in Germany. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, and which provides independent verification that the Claimant’s family resided in Germany. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account of unknown type was transferred on 14 December 1987 to a suspense account, where it remains today.

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. The Bank's records indicate that the value of the account of unknown type as of 14 December 1987 was SF 5.95. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 690.95. 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 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 account to which he might be entitled, including research of the Total Account Database (consisting of records of 4.1 million Swiss bank account 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
14 December 2005