

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Freddy Robert Moser

in re Account of Fredy Moser

Claim Numbers: 701116/RS, 708630/RS¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Freddy Robert Moser (the “Claimant”) to the account of Max Moser.² This Award is to the unpublished account of Fredy Moser (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).³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 two Initial Questionnaires (“IQs”) identifying the Account Owner as himself, Freddy Moser. The Claimant, who is Jewish, indicated that he was born on 14 July 1937 and that he resided with his parents in Tilburg, the Netherlands prior to and during the Second World War. The Claimant stated that between 1943 and 1945 his father, [REDACTED], was imprisoned in several concentration camps, including Bergen-Belsen.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered DUT 0002 046 and GER 0009 140, to the Court in the United States. Although these IQ’s were not Claim Forms, 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’s were forwarded to the CRT and have been assigned claim numbers 701116 and 708630.

² The CRT did not locate an account belonging to Max Moser in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

³ The CRT notes that 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”), the related name Friedrich Moser also appears twice. Upon careful review, the CRT has determined that the two account owners named Friedrich Moser are not the same person addressed in the current decision and, consequently, the Claimant did not identify these other account owners as himself.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Fredy Moser. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank and which held a balance of 22.75 Swiss Francs ("SF") as of 17 December 1998. The Bank's record indicates that the account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's name matches the unpublished name of the Account Owner.⁴ The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

The CRT notes that the Claimant was born in 1937 and therefore would have been an infant or young child at the time that the account was opened. However, the CRT finds it plausible that the Claimant's parents or another adult relative may have opened an account in the Claimant's name.

The CRT notes that 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 as himself.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that he was a Victim of Nazi Persecution. The Claimant stated that he is Jewish, and that he lived in the Netherlands following his birth in 1937, including during the period in which the Netherlands was occupied by Nazi Germany. The CRT also notes that the Claimant indicated that his father was imprisoned in concentration camps, including Bergen-Belsen, during the Second World War.

⁴ The CRT notes that the name "Fredy" is a recognized Swiss German variant of the English name "Freddy." See, for example, <http://namepedia.org/en/firstname/Fredy/>.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific biographical information, demonstrating that the Account Owner had the same name as the Claimant. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the foregoing information is of the type that family members would possess and all of this information supports the plausibility that the Claimant is the Account Owner, as he has asserted in his IQs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended and remains so today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that he is the Account Owner and that justifies an Award. Third, the CRT has determined 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 account of an unknown type. The Bank's record indicates that the value of the account as of 17 December 1998 was SF 22.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 927.75. 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.

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 claims 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
19 December 2007