

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 4]

and to Claimant [REDACTED 5]
represented by Eli Murlakov

in re Account of Clara Mueller

Claim Numbers: 202628/MBC; 214661/MBC;¹ 400652/MBC; 501087/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Alfred Müller;² the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Margit Hirschenhauser;³ the claim of [REDACTED 3], née [REDACTED 3] (“Claimant [REDACTED 3]”) to the accounts of Hedwig Mueller;⁴ and the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the accounts of Josef Müller.⁵ This Award is to the published account of Clara Mueller (the “Account Owner”) at the Kreuzlingen branch of the [REDACTED] (the “Bank”).⁶

¹ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted one additional claim, which is registered under the Claim Number 214804. The CRT will treat this claim in a separate determination.

² The CRT will treat the claim to this account in a separate determination.

³ The CRT did not locate an account belonging to Margit Hirschenhauser in the Account History Database (“AHD”) 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”).

⁴ The CRT will treat the claim to these accounts in a separate determination.

⁵ The CRT will treat the claim to these accounts in a separate determination.

⁶ The CRT notes that 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 names Clara Müller [Berlin, Germany], Clara Müller [Frankfurt am Main, Germany], Clara Müller [Germany], and Clara Müller [Poland] also appear, and that on the additional List of Account Owners Published in 2005 (the “2005 List”), the name Klara Müller also appears. Upon careful review, the CRT has determined that none of the Claimants has identified Clara Müller, Berlin; Clara Müller, Frankfurt; Clara Müller, Germany; or Klara Müller as

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as Clara Müller, the wife of her father's cousin, [REDACTED]. Claimant [REDACTED 1] stated that her relative and his wife, who were Jewish, resided in Katowice, Poland, and that her relative owned a tannery in Oswiecim, Poland. Claimant [REDACTED 1] further stated that her relative frequently traveled on business, including trips to Switzerland, and that during a business trip to Palestine (today Israel) in 1939, he was unable to return to Poland because of the War. According to Claimant [REDACTED 1], her relative and his wife had one adopted child, [REDACTED], who died during the Second World War in Lemberg, Russia (now Lwow, Poland). Finally, Claimant [REDACTED 1] explained that her relative's wife, Clara Müller attempted to flee Poland, but that she was captured and subsequently perished in a concentration camp during the War.

Claimant [REDACTED 1] indicated that she was born on 4 April 1926 in Katowice.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal aunt, Klara Sterk, née Müller, who was born in approximately 1914 or 1915 in Szabadka, Yugoslavia (today Subotica, Serbia) and was married to [REDACTED]. Claimant [REDACTED 2] indicated that his mother and aunt lived with their parents, [REDACTED] and [REDACTED], née [REDACTED], in Zenta, Yugoslavia (today Senta, Serbia), where their father was a grain wholesaler. Claimant [REDACTED 2] indicated that his grandfather traveled to Switzerland on business, and that he opened accounts there to safeguard the family's assets. According to Claimant [REDACTED 2], his maternal grandmother, who was born in 1884, perished in Auschwitz in 1944. Claimant [REDACTED 2] indicated that his mother [REDACTED], née [REDACTED], died in 1972 in Leningrad, U.S.S.R. (today Saint Petersburg, Russia) and that his aunt, who was Jewish and a laboratory doctor in Belgrade, Yugoslavia (today Serbia), died in Belgrade in 2000. According to information provided by Claimant [REDACTED 2], his aunt had two children, [REDACTED] and [REDACTED], but he did not indicate their current whereabouts or fate.

In support of his claim, Claimant [REDACTED 2] submitted a copy of a request for compensation filed by his mother, dated in Budapest, Hungary on 7 March 1964, indicating that [REDACTED], née [REDACTED] was married to [REDACTED] and that she had previously been married to [REDACTED] during the Second World War; that her parents were

his or her relative. In a separate decision, Claimant [REDACTED 1] was awarded the account of Clara Müller [Poland]. See *In re Account of Clara Müller* (approved on 6 February 2004).

[REDACTED], who was deceased at the time of the War, and [REDACTED], née [REDACTED]; that she and her first husband resided in Budapest, where their property was looted; that her husband was deported in June 1944 to Auschwitz, where he perished; that her mother, who was born in 1884, resided in Zenta, where her property was looted; and that her mother was deported in May 1944 to Auschwitz, where she perished. Claimant [REDACTED 2] further submitted a copy of his own passport, dated in 1989, indicating that [REDACTED 2] resided in Budapest and that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 13 March 1947 in Budapest.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her husband's maternal grandmother, Clara Mueller, who was born on 26 June 1865 in Schmalkalden, Germany and was married to [REDACTED]. Claimant [REDACTED 3] indicated that her husband's grandparents, who were Jewish, had at least one child, [REDACTED], née [REDACTED], Claimant [REDACTED 3]' mother-in-law, who was born on 15 February 1890 in Schmalkalden. Claimant [REDACTED 3] further indicated that [REDACTED] died in Schmalkalden on 21 November 1925, that Clara Mueller died in Schmalkalden on 16 July 1931, and that their daughter was their immediate heir.

In addition, Claimant [REDACTED 3] indicated that her mother-in-law [REDACTED], née [REDACTED], who was Jewish, was married to [REDACTED] in approximately 1910 or 1913 and that her husband's parents lived in Zella-Mehlis, Germany. According to Claimant [REDACTED 3], her husband and father-in-law were deported to Dachau and then released because the family had made arrangements to flee to Shanghai, China. Claimant [REDACTED 3] indicated that her husband and his family fled to Shanghai in 1938, that his father died in Shanghai in 1941, and that he, his mother, and his sister [REDACTED 4] emigrated to the United States in 1947. Finally, Claimant [REDACTED 3] indicated that her mother-in-law died in Houston, Texas, the United States in 1962 and that her husband died in Houston in 2001.

Claimant [REDACTED 3] submitted copies of documents in support of her claim, including: 1) her husband's birth certificate indicating that [REDACTED] was born on 30 October 1918 in Zella-Mehlis, that he was Jewish, that his parents were [REDACTED] and [REDACTED], née [REDACTED], who were both Jewish, and that the spelling of the family's surname was corrected to [REDACTED] in 1935; 2) her own marriage certificate indicating that [REDACTED] and [REDACTED] were married on 26 November 1944 in Shanghai and that they were both Jewish; and 3) her husband's death certificate, dated in Houston in 2001, indicating that [REDACTED] was born on 30 October 1918 in Germany, that his parents were [REDACTED] and [REDACTED], née [REDACTED], and that he was married to [REDACTED 3], née [REDACTED 3].

Claimant [REDACTED 3] indicated that she was born on 27 February 1927 in Vienna, Austria. Claimant [REDACTED 3] is representing her husband's sister [REDACTED 4], née [REDACTED 4], who was born on 23 February 1931 in Zella-Mehlis.

Claimant [REDACTED 3] submitted copies of documents in support of her sister-in-law's claim, including: 1) her sister-in-law's birth certificate, indicating that [REDACTED 4] was born on 23 February 1931, that her parents were [REDACTED] and [REDACTED], née [REDACTED], and that they were Jewish; 2) a sworn statement for entry into the United States, dated in Shanghai on 23 June 1947, indicating that [REDACTED 4] was born on 23 February 1931 in Zella-Mehlis and that she resided in Shanghai; and 3) her sister-in-law's marriage certificate, dated in Houston on 25 February 1951, indicating that [REDACTED 4] was married to [REDACTED] and that they were both Jewish.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as either his mother's cousin's spouse or daughter, one of whom was named Berta Müller and one of whom was named Klara Müller. Claimant [REDACTED 5] indicated that his mother's cousin [REDACTED] lived with his wife, daughter, and son [REDACTED] in Tarnow, Poland, where he was a successful bookkeeper, accountant, and businessman. Claimant [REDACTED 5] further indicated that his mother's relatives, who were Jewish, perished in Tarnow in 1942.

In support of his claim, Claimant [REDACTED 5] submitted copies of documents, including: 1) his parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 15 March 1922 in Tarnow; 2) his own birth certificate, indicating that [REDACTED 5] was born on 20 January 1926 in Tarnow and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 3) official decrees, dated 1945, indicating that Claimant [REDACTED 5]'s maternal grandparents, [REDACTED] and [REDACTED], perished in Nowy Sacz, Poland on 12 June 1942; 4) the order of a court in Tarnow relating to his mother's death, dated 23 July 1946, declaring that [REDACTED], née [REDACTED], died on 18 May 1943 and that she was killed by Germans; 5) an inheritance certificate relating to his mother's estate, indicating that [REDACTED], née [REDACTED] died on 18 May 1943, that she was a widow at the time of her death, and that her son [REDACTED 5] was her sole heir; and 6) a report, issued by the *International Tracing Service of the Red Cross* in 1980, indicating that [REDACTED 5] was born on 20 January 1926 in Tarnow, that he was Jewish, that he was deported to Krakau-Platzow, and that he was liberated from Theresienstadt on 8 May 1945.

Claimant [REDACTED 5] indicated that he was born on 20 January 1926 in Tarnow.

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 Clara Mueller. These records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 4407, which was suspended by the Bank on 16 November 1981, as of which date it held a balance of 32.15 Swiss Francs ("SF"). The account remains open and dormant.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names each match the published name of the Account Owner.⁷ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Klara Miler,⁸ and indicates that she was born in 1918 and that she lived in Zenta, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the database also contains a person named Clara Müller, née Kroitzberger, and indicates that she was married to [REDACTED] and that she resided in Katowice and Lvov, which matches the information about the Account Owner provided by Claimant [REDACTED 1].

The CRT notes that Claimants' relatives are different persons. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other timely claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she perished with her daughter during the Second World War in Russia. As noted above, a person named Clara Müller was included in the CRT's database of victims. The CRT further notes that a person named [REDACTED], corresponding Clara Müller's daughter, was also included in the database.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was

⁷ The CRT notes that in German, "ue" is a standard equivalent of "ü."

⁸ The CRT notes that the database lists the individual's surname as Miler, but that this spelling discrepancy could be the result of transliteration from Hebrew to Latin characters.

Jewish and that she resided in Nazi-occupied Yugoslavia. Claimant [REDACTED 2] submitted his mother's request for compensation, indicating that the Account Owner's mother, niece, and niece's husband were Victims of Nazi Persecution. As noted above, a person named Klara Miler was included in the CRT's database of victims. The CRT further notes that a person named [REDACTED], who was born in 1884 and who resided in Senta, was also included in the database.

The CRT notes that while the Account Owner identified by Claimant [REDACTED 3] was not a Victim of Nazi Persecution, the Account Owner's daughter, son-in-law, and grandchildren were Victims of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner's daughter and her family were Jewish; that her son-in-law and grandson were imprisoned in Dachau; and that the family then fled to Shanghai, where the Account Owner's son-in-law died in 1941. Claimant [REDACTED 3] submitted documents, including her husband and sister-in-law's birth certificates, indicating that they were Jewish. Claimant [REDACTED 3] submitted further documents, including her own marriage certificate and her sister-in-law's affidavit for immigration to the United States, indicating that the family fled from Germany to Shanghai.

Finally, Claimant [REDACTED 5] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] stated that the Account Owner was Jewish, that she resided in Nazi-occupied Poland, and that she perished along with her husband and children while being deported by the Nazis. Claimant [REDACTED 5] submitted documents indicating that the Account Owner's family members including himself, his mother, and his maternal grandparents were Victims of Nazi Persecution. The CRT further notes that its database of victims includes a person named [REDACTED], who was born in 1922 and resided in Tarnow.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father's cousin's wife.

The CRT further notes that Claimant [REDACTED 1] also identified information which matches information contained in the Yad Vashem records. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s maternal aunt. The CRT further notes that Claimant [REDACTED 2] also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 2] submitted copies of his mother's compensation application and his own passport, which provide independent verification that

Claimant [REDACTED 2]'s relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form. Although Claimant [REDACTED 2] indicated that his aunt may have other surviving heirs, as they are not represented on his claim and have not filed claims on their own behalf, their potential entitlement to the account will not be treated in this Award.

Claimant [REDACTED 3] has also plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 3]' late husband's grandmother. The CRT further notes that Claimant [REDACTED 3] submitted copies of various documents, which provide independent verification that her husband's relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs apart from the party who Claimant [REDACTED 3] is representing.

Finally, Claimant [REDACTED 5] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account owner was Claimant [REDACTED 5]'s cousin's spouse or child. The CRT further notes that Claimant [REDACTED 5] also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 5] submitted copies of various documents, which provide independent verification that his relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] 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

The Bank's records indicate that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 5], and represented party [REDACTED 4]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father's cousin's wife, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his aunt, Claimant [REDACTED 5] has plausibly demonstrated that the

Account Owner was his cousin's spouse or child, and represented party [REDACTED 4] has plausibly demonstrated that the Account Owner was her grandmother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that represented party [REDACTED 4], as the Account Owner's grandchild, has a better entitlement to the account than Claimant [REDACTED 3], who is related to the Account Owner only by marriage.

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 16 November 1981 of was SF 32.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 565.00, which reflects standardized bank fees charged to the account between 1945 and 1981. Consequently, the adjusted balance of the account at issue is SF 597.15. 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 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 5], and represented party [REDACTED 4] are each entitled to one-quarter of the Award amount. As indicated above, Claimant [REDACTED 3] is not entitled to share in the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
12 October 2007