

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Lotte Mueller

Claim Number: 219515/AH

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Lotte Mueller (the “Account Owner”) at the Zurich-Wiedikon branch of the [REDACTED] (the “Bank”).

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 a Claim Form identifying the Account Owner as his mother, Lotte Müller, née [REDACTED], who was born on 25 May 1895, probably in Northeim, Germany and was married to [REDACTED], a banker, on 18 February 1919 in Northeim. The Claimant stated that Lotte Müller was adopted by [REDACTED], who was the owner of a bank called *A.H. Müller Bankgeschäft*, and that she stopped using her biological family name of [REDACTED] after her adoption. The Claimant indicated that Lotte Müller had two sons, the Claimant, and [REDACTED], who was born on 18 October 1929 in Germany. The Claimant stated that his father was a banker who owned the *A. H. Müller Bankgeschäft*, which he inherited from his father-in-law. The Claimant added that the bank had branches in Northeim and Andreasberg, Germany. According to the Claimant, his parents resided and worked at Breitestrasse 65 in Northeim, Germany. The Claimant stated that his father traveled to Switzerland in the years 1934 and 1935. In two telephone conversations with the CRT on 25 July 2002 and on 4 October 2002, the Claimant stated that his parents, who were Jewish,

¹ The CRT will treat the claim to that account in a separate decision.

fled to Chile by ship in 1936; that his father passed away on 1 January 1969 in Santiago, Chile, and his mother died on 25 January 1976 in Santiago. In support of his claim, the Claimant submitted various documents including his mother's and father's death certificates, his birth certificate, and his marriage certificate. The Claimant indicated that he was born on 1 February 1922 in Göttingen, Germany, and that he is being represented by [REDACTED].

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED].

Information Available in the Bank's Records

The Bank's record consists of printouts from the Bank's database. According to these records, the Account Owner was Lotte Mueller. The Bank's records do not indicate the Account Owner's residence. The Bank's records indicate that the Account Owner held an account, numbered 10412, but do not indicate its type.

According to the Bank's records the account was transferred on 17 August 1981 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 104.45 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted documents, including his mother's death certificate, indicating the spelling of his mother's name, which matches that of the Account Owner, thus providing independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's records as the Account Owner. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], from Germany, and he provided identical information as in his Claim Form. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the list of accounts, determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (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 parents 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 the name Lotte Mueller appears only once in the ICEP List. Furthermore, the one other claim to this account was disconfirmed because that claimant provided a different name and spelling than the name of the Account Owner in this case. 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, and that she fled to Chile in 1936 to escape Nazi persecution in Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate, demonstrating that he is Lotte Müller's son. The Claimant indicated that he does not represent his brother [REDACTED], who did not submit a claim to the CRT.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 17 August 1981 and that it remains open in the Bank's suspense account.

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. Finally, the CRT has determined 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 17 August 1981 was 104.45 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

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
31 December 2003