

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ferdinand Müller

Claim Number: 215948/AY

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Ferdinand Müller (the “Account Owner”) at 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 father, Ferdinand (Ferenc) Müller, who was born in 1883 in Nyek, Galanta, Czechoslovakia, to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED], née [REDACTED], in 1910 in Trinava, Czechoslovakia. The couple resided at Dioszegi Ut. 383 in Galanta, and had five children: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], the Claimant. The Claimant stated that his father, who was Jewish, was an independent businessman who worked in construction and transportation until the spring of 1944, when he and his family were deported to Auschwitz, where Ferdinand Müller, his wife and their daughters, [REDACTED] and [REDACTED], perished that same year. The Claimant stated that his father, as well as his father’s cousin, [REDACTED], sent 200,000.00 Korona to Switzerland in 1938, via their insurance agent, for safe keeping because of the impending war. The Claimant further stated that his sister, [REDACTED], told him in 1949 that she had begun corresponding with a Swiss bank with regards to the family funds. According to the Claimant, he made some attempts to locate the bank with which his sister had been in contact, but was unsuccessful. The Claimant indicated that his sister, [REDACTED], died in 1950 in Budapest, Hungary, from her injuries inflicted in Auschwitz, and that he has no knowledge of any bank details. The Claimant stated that his family’s house was destroyed during the Second World War and that an art collection, among other assets, was looted from the house. The Claimant further stated, that despite being insured by the Swiss-owned [REDACTED] (a subsidiary of [REDACTED]), no response was made to the claim submitted by the family for compensation for the house. In support of his claim, the Claimant submitted his letters of correspondence sent

to various German and Austrian institutions and lawyers regarding the looted art collection. One letter from the Claimant explains that it was upon the suggestion of an agent of *Riunione Adriatica di Sicurta* that his father and his cousin, [REDACTED], transferred money to Switzerland for safekeeping, as four or five other families also did. In support of his claim, the Claimant also submitted his birth certificate, which indicates that he was born on 31 March 1922 in Galanta to [REDACTED] and Ferdinand Müller.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Ferdinand (Ferenc) Müller, and provided identical information as in his Claim Form.

Information Available in the Bank's Records

The Bank's records consist of a list of account owners and a printout from the Bank's database. According to these records, the Account Owner was Ferdinand Müller. The Bank's records do not indicate the type of account held by the Account Owner, nor do they indicate the date on which it was opened or the country of residence of the Account Owner. It is, however, indicated in the Bank's records that on 30 June 1937 the account was transferred to a suspense account, which is a grouping of open and dormant accounts. The amount in the account on the date of its transfer was 13.00 Swiss Francs. The Bank's records indicate that on an unknown date, the account was closed by the Bank to its profit and loss account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father'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 his name. In addition, the CRT notes that the Claimant submitted documents in support of his claim, including his birth certificate, which indicates that his father was Ferdinand Müller.

Moreover, 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 his father, Ferdinand (Ferenc) Müller, prior to the publication in February 2001 of the 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"). 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 also notes that the name Ferdinand Müller appears only once on the ICEP List. Finally, 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, and that he perished in Auschwitz in 1944 with his wife and daughters.

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 Ferdinand Müller's son. The CRT notes that in his family tree, the Claimant indicated that the Account Owner has a daughter, [REDACTED]. However, as of the date of this award, the CRT has not received any claim from her.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was suspended in 1937 and later closed by the Bank to its profit and loss account. Accordingly, the CRT concludes that the Account Owner did not receive the proceeds.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, 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 unknown type. The Bank's records indicate that the value of the account at issue was 13.00 Swiss Francs as of 30 June 1937. 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, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 47,400.00 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
June 23, 2003