

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
acting on behalf of himself and [REDACTED]

in re Account of Josef Myska

Claim Number: 201643/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”), to the Account of Josef Myska (the “Account Owner”) at the Zurich 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 and an Initial Questionnaire identifying the Account Owner as his father, Josef Myska, who was born on 1 March 1900 in Vodnany, Czechoslovakia, and was married to [REDACTED], née [REDACTED], in Prague, Czechoslovakia. The Claimant stated that Josef and [REDACTED], who were Jewish, had two children: the Claimant and [REDACTED]. The Claimant stated that his father was a businessman who resided at Podskalska 51 in Prague. The Claimant stated that his father was interned in Theresienstadt in 1942, and in Auschwitz from 1942 to 1945, and that he was sent on a death march from Buchenwald in April 1945 when he perished. The Claimant indicated that he was born on 28 March 1929 and is representing his sister.

Information Available in the Bank Records

The bank records consist of a declaration relating to the 1945 Freeze of German assets in Swiss banks, statements pertaining to a collective account of the Bank and printouts from the Bank’s database. According to these records, the Account Owner was Josef Myska, who lived at Podskalska 55, Prag II, Czechoslovakia. The Account Owner held a demand deposit account, numbered 66699, that was opened on 21 February 1939. On 8 August 1940, the balance of the account was 223.00 Swiss Francs. The bank records indicate that the account was transferred to a collective account for administrative and bookkeeping purposes on 30 November 1955. The balance of the account on the date of its transfer was 160.50 Swiss Francs. The bank records

indicate that the last known contact with the Account Owner was in 1939, and that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant has provided his father's nationality and street name in Prague before the Second World War, which matches the unpublished information about the Account Owner contained in the bank records. The Claimant provided a slightly different street number than that contained in the bank records, but the difference does not alter the CRT's determination.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant 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 was confined in Theresienstadt and Auschwitz before perishing in Buchenwald in April 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by providing documentation including a family tree and precise biographical information demonstrating that he is the Account Owner's son. The Claimant stated that he and his sister are the only surviving heirs of their father.

The Issue of Who Received the Proceeds

The bank records indicate that the account remains open and dormant. Therefore, it is clear that the Account Owner or his heirs did not receive the proceeds of the 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 23 of 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 it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account as of 8 August 1940 was 223.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in

accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 8,988.00 Swiss Francs.

Division of the Award

The Claimant is representing his sister in these proceedings. According to Article 29 of the Rules, his sister is entitled to receive one-half of any payment to the Claimant.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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