

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Rosa Neuburger

Claim Numbers: 401337/WT¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Rosa Neuburger (the “Account Owner”) at the Zurich branch of the [REDACTED] (“the Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal grandmother, Rosa (Rosel, Ruzena) Neuburger (Neuburg, Neuburgova) who was born on 10 October 1883 in Karlsbad, Austria-Hungary (later Czechoslovakia, now Karlovy Vary, Czech Republic), and was the daughter of [REDACTED] (also known as [REDACTED]), and [REDACTED], née [REDACTED]. The Claimant further indicated that her grandmother was married to [REDACTED] in March 1910, in Vienna, Austria. The Claimant indicated that her grandparents had two children, [REDACTED], who was born on 9 September 1914 in Vienna, and [REDACTED], née [REDACTED], who was born on 11 November 1921 in Czechoslovakia. The Claimant indicated that her grandmother, who was Jewish, lived on Pelikangasse 5 in Vienna, from 1930 until 1938. The Claimant indicated that her grandfather, who was a lawyer, died unexpectedly on 7 September 1938 in Vienna, and that her grandmother then fled to Czechoslovakia, where she resided from 1938 until 1942 at Belcrediho 64 in Prague. The Claimant indicated that on 25 May 1942 her grandmother was sent on a transport bound for Terezin (Theresienstadt) and later Lublin, Poland, and that she perished in 1942.

The Claimant also indicated that her maternal grandfather had an uncle, [REDACTED]. In a telephone conversation with the CRT on 31 January 2007, the Claimant indicated that members of her family studied at universities in Austria after Jews were allowed to enroll, and that her

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 401343. The CRT will treat this claim in a separate determination.

grandfather's uncle became an engineer. According to the Claimant, her grandfather's family resided in various cities throughout Austria, including Klagenfurth. The Claimant indicated that [REDACTED] did not marry or have children, and was very close to his nephew's family.

In support of her claim, the Claimant submitted copies of: (1) her mother's death certificate, indicating that [REDACTED], who was born in Czechoslovakia to [REDACTED] and Rosel Neuburg, née Benedikt, died on 24 May 1971 and had a daughter, [REDACTED]; and (2) a detailed family tree, indicating that Rosa Bondy was married to [REDACTED], who had an unmarried uncle named [REDACTED], and that [REDACTED] and Rosa had two children, [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 30 September 1949 in Chicago, Illinois, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Rosa Neuburger, who resided in Klagenfurth, Austria. The records also indicate that the account was originally held by *Ing.* (engineer) [REDACTED], who also resided in Klagenfurth.

The Bank's record indicates that the Account Owner held one demand deposit account and one custody account, numbered L25858. The Bank's record further indicates that the demand deposit account was closed on 30 April 1938, and that the custody account was closed on 3 May 1938. The Bank's record does not indicate the values of these accounts at the times of their closure. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the published name of the Account Owner. The Claimant also identified the Account Owner's country of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the Claimant also identified the name of [REDACTED], the original owner of the account, and identified his professional title, which further matches unpublished information contained in the Bank's record.

In support of her claim, the Claimant submitted her mother's death certificate and a detailed family tree, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that the name Rosa Neuburger appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the CRT's database of victims contains the name of Rosel Neuburg, and indicates that her date of birth was 10 October 1883 and that she lived in Vienna, Austria, which matches information about the Account Owner provided by the Claimant. The database also contains the name of Ruzena Neuburgova and indicates that she was transported from Prague to Theresienstadt, and subsequently to Lublin, Poland, which also matches information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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, that she fled from Austria to Czechoslovakia, that on 25 May 1942, she was sent on a transport bound for Terezin (Theresienstadt) and subsequently to Lublin, Poland, and that she perished in 1942. As noted above, persons named Rosel Neuburg and Ruzena Neuburgova were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's grandmother. 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 Claimant also identified information which matches information about the Account Owner contained in the Yad Vashem records. The CRT also notes that the Claimant submitted a copy of her mother's death certificate, which provides independent verification that the Claimant's relatives bore the same 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner held one demand deposit account and one custody account. The Bank's record further indicates that the demand deposit account was closed on 30 April 1938, and the custody account was closed on 3 May 1938, both after the incorporation of Austria into the German Reich in March 1938 (the "*Anschluss*"). Given that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the

banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was the Claimant's grandmother, and that relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00 and the average value of a custody account was SF 13,000.00. Thus, the combined 1945 average value of the two accounts is SF 15,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 189,250.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
29 May 2007