

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Erika Margaretha Helena Petrikova

in re Account of Emil Oesterreicher

Claim Number: 219429/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Erika Margaretha Helena Petrikova, née Pitlikova, (the “Claimant”) to the account of Emil Oesterreicher (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 great-uncle, Emil Oesterreicher, who was born on 1 December 1886 in Prague, Czechoslovakia, and was married to Anna Oesterreicher, née Geduldiger, who was born on 16 July 1885. The Claimant indicated that the couple had one child, Petr, who was born on 30 April 1920 in Prague. The Claimant stated that her great-uncle lived in Prague at Nabrezi Legii 3A and later at Na Porici 36. The Claimant further stated that her great-uncle was the owner of the company *Chepa-Orlik*, which was situated at Kartouzská 204/86 in Prague-Smichov. According to the Claimant, her great-uncle and his family, who all were Jewish, changed their surname from Oesterreicher to Orlik on 23 March 1936, due to growing anti-Semitism. The Claimant indicated that her great-uncle’s company was taken over by the Nazis, and that the whole family was deported in 1941 to the Lodz ghetto in Poland, where the Claimant’s great-uncle died on 30 June 1942. The Claimant stated that her great uncle’s wife and son were deported to Majdanek in September 1942, where they were killed in the gas chambers in 1943. The Claimant indicated that she is the granddaughter of Emil Oesterreicher’s brother, Oskar Oesterreicher, and Emil Oesterreicher’s only surviving heir, and that she was born in Prague on 4 June 1937, where she still resides.

In support of her claim, the Claimant submitted documents including a detailed family tree; her great-uncle’s birth certificate, indicating his name was Emil Oesterreicher; her grandfather’s and mother’s birth certificates and her own marriage certificate, indicating Emil Oesterreicher was her great-uncle; different official documents concerning her great-uncle and his family,

indicating that her great-uncle changed his last name to Orlik and was from Prague; and sworn statements of people who were in the Lodz ghetto with the Claimant's great-uncle and his family.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Oskar Oesterreicher of Prague, Czechoslovakia.

Information Available in the Bank Records

The bank records consist of two lists of accounts identified by the Bank as dormant in 1959 and printouts from the Bank's database. According to these records, the Account Owner was Emil Oesterreicher, from Prague, Czechoslovakia. The bank records indicate that the Account Owner held a demand deposit account, which the Account Owner did not access from 1938 onwards.

The account was transferred to a collective account for dormant assets on 24 November 1959. The amount in the account was 47.00 Swiss Francs as of 7 September 1959. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her great-uncle's name matches the published name of the Account Owner. The Claimant identified her great-uncle's city and country of residence, which matches published information about the Account Owner contained in the bank records. In support of her claim, the Claimant submitted documents indicating that Emil Oesterreicher was her great-uncle, that he changed his name to Orlik, and that he was from Prague. In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Orlik, and indicates that his date of birth was 1 December 1886 and that he perished in the Lodz Ghetto on 30 June 1942. This database also includes Anna Orlik, née Geduldiger, who was born on 16 July 1885, and Peter Orlik from Czechoslovakia, who was born on 30 April 1920, all of which matches the information about the Account Owner and his family provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant filed an ATAG Ernst & Young claim form in 1997, asserting her entitlement to a Swiss bank account owned by Oskar Oesterreicher of Prague, Czechoslovakia, 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 had reason to believe that one of her relatives owned a Swiss bank account prior to the publication of the ICEP List. Finally, the CRT notes that the one other claim to this account was disconfirmed based on different countries of residence.

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. The Claimant further indicated that the Account Owner and his family were deported to the Lodz ghetto in 1941, where the Account Owner died on 30 June 1942. The Claimant also indicated that in September 1942, the Account Owner's wife and son were deported from the Lodz ghetto to the concentration camp of Majdanek, where they perished in 1943. Moreover, the CRT notes that the database discussed above containing the names of victims of Nazi persecution includes a person named Emil Orlik, and indicates that his date of birth was 1 December 1886 and that he perished in the Lodz Ghetto on 30 June 1942.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents and a detailed family tree indicating that he is her maternal great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that on 24 November 1959, the account was transferred to a collective account for dormant assets, where it remains open and dormant.

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 her maternal great-uncle, 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 demand deposit account. The bank records indicate that the value of the demand deposit account as of 7 September 1959 was 47.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit 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 balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 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 her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Account 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
April 24, 2003