

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Gustav Oppenheimer

Claim Number: 001610/HB¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the published account of Gustav Oppenheimer (the “Account Owner”) at the Basel 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 her maternal grandfather, Gustav Oppenheimer, who was born on 8 March 1878 in Baiertal über Wiesloch, Germany, and was married. According to the Claimant, her grandfather, who was Jewish, had two daughters, was a cattle trader, and resided in Baiertal über Wiesloch. The Claimant explained that in 1942 her grandfather was deported to Auschwitz, where he perished.

In support of her claim, the Claimant submitted copies of: (1) her mother’s German passport, indicating that [REDACTED] was born on 19 December 1912 in Baiertal, where she also resided, and that she married [REDACTED] on 8 March 1937, and; (2) her own German passport, indicating that her maiden name is [REDACTED].

The Claimant indicated that she was born on 25 October 1939 in Israel.

¹ Claimant [REDACTED], née [REDACTED], (the “Claimant”) also submitted in 1999 an Initial Questionnaire (“IQ”), numbered HEB-0215080, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 719119. In a separate decision, the CRT treated this claim.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP or the ICEP Investigation") did not report an account belonging to Gustav Oppenheimer during their investigation of the Bank. The documents evidencing accounts belonging to Gustav Oppenheimer were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Gustav Oppenheimer, numbered 785.

According to these records, the Account Owner was *Herr* (Mr.) Gustav Oppenheimer, who resided at B7, 15 [sic] in Mannheim, Germany. The records indicate that the Account Owner held a demand deposit account, with a balance of 607.20 Swiss Francs ("SF") on 26 February 1964, and that his last known contact with the Bank occurred in 1938. Pursuant to the Federal Decree, a guardianship was set up for this account, and after several unsuccessful attempts to obtain information on the Account Owner, the proceeds of the account were deposited into the Swiss Unclaimed Assets Fund (*Fonds "Erblose Vermögen"*) on 20 November 1967, with a balance of SF 509.20.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant indicated that her grandfather resided in Baiertal über Wiesloch, which is only approximately 40 kilometers from the Account Owner's unpublished city of residence, Mannheim, which is the largest city in the area. The CRT finds it plausible that the Claimant's relative may have used Mannheim as a contact address for opening and maintaining a Swiss bank account.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gustav Oppenheimer, and indicates that his date of birth was 8 March 1878 and place of birth was Baiertal über Wiesloch, which matches the 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 name Gustav Oppenheimer appears only once on the List of Account Owners Published in 2005 (the “2005 List”). The CRT notes that the Claimant filed an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gershon Oppenheimer, prior to the publication of the 2005 List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a city of residence that is more than 200 kilometers distant from the Account Owner’s city of residence. 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 in 1942 he was deported to Auschwitz, where he perished. As noted above, a person named Gustav Oppenheimer was 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 maternal grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Swiss Federal Archive; that the Claimant filed a Claim Form with the Court in 2001, identifying the relationship between the Account Owner and the Claimant, prior to the publication of the 2005 list; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her mother’s German passport, which provides independent verification that the Claimant’s relatives bore the same family name as the Account Owner and that they resided in Baiertal. 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 archival records indicate that the account was reported in the 1962 Survey and that it was transferred on 20 November 1967 into the Swiss Unclaimed Assets Fund.

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 her maternal grandfather and that relationship justifies an Award. Third, 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

In this case, the Account Owner held one demand deposit account. The records from the Swiss Federal Archive indicate that the value of the account as of 20 November 1967 was SF 509.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 345.00, which reflects standardized bank fees charged to the account between 1945 and 1967. Consequently, the adjusted balance of the account at issue is SF 854.20. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 SF 26,750.00.

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
23 June 2008