

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Accounts of Dr. Berthold Oppler

Claim Numbers: 222486/AA; 222754/AA; 222759/AA¹

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Dr. Berthold Oppler (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 Claimants

The Claimants submitted Claim Forms identifying the Account Owner as their great-uncle, Dr. Berthold Oppler, who was born on 6 May 1871 in Hanover, Germany and was married to [REDACTED] on 24 May 1913 in Hanover. Berthold and [REDACTED] Oppler adopted a daughter, [REDACTED], who was born in Berlin on 11 February 1911 and who died on 12 April 1957. According to the Claimants, their great-uncle and his brothers were officers in the German army during the First World War. The Claimants further stated that their great-uncle, who was Jewish, was a doctor who practiced medicine in Munich at Jakob-Klar Strasse 1 until 1938 and at Briennerstrasse 51 from 1934 through 1938. The Claimants stated that their great-uncle was also involved in medical research and authored various medical publications. The Claimants explained that, in an attempt to escape Germany, their great-uncle tried to secure visas for his wife, who was not Jewish, and their daughter. On 5 October 1941, his wife wrote a letter to Adolph Eichmann, trying to persuade him to be lenient on her family since she was not Jewish. Her written plea was rejected, and the Nazis eventually transported and detained Berthold Oppler

¹ Claimant [REDACTED2] has submitted other claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] (or her estate) and accounts held in the names of [REDACTED], [REDACTED], [REDACTED] and [REDACTED] on behalf of Berthold Oppler, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. These claims are registered under the Claim Numbers 222483, 222484, 222485, 222487, 222488, and 222489. The CRT will treat the claims to these accounts in separate decisions.

at a *Juden-Heim* (“Jewish Home”), from where he was to be deported to a concentration camp. Soon thereafter, on 6 January 1943, Berthold Oppler took his own life. In support of their claims, the Claimants submitted excerpts from books that reference the date and circumstances of Berthold Oppler’s death; several letters and postcards written by their great-uncle; a detailed Oppler family tree; various legal documents involving members of the Oppler family; and numerous letters and postcards, detailing correspondence between several members of the Oppler family. Claimant [REDACTED 1] stated that she was born on 19 February 1948 in Burlington, Vermont, and she currently resides in Melbourne, Florida. Claimant [REDACTED 2] stated that he was born on 19 October 1957 in Queens, New York, and he currently resides in Silver Spring, Maryland.

Information Available in the Bank Records

The Bank's records consist of an account opening card. According to this record, the Account Owner was Dr. Berthold Oppler of Munich, Germany. The Bank's record indicates that the Account Owner held two accounts: a demand deposit account, which was closed on 10 July 1935, and a custody account, which was opened on 7 December 1934 and closed on 30 April 1936. The Bank's records do not show to whom the accounts were paid, nor do these records indicate the value of these accounts. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the discretion of the CRT. In this case, the CRT determines it appropriate to join the three claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner, Dr. Berthold Oppler, as their great-uncle. His name matches the published name of the Account Owner. Additionally, the Claimants have provided their uncle’s city of residence and his profession, which match the unpublished domicile and title information contained in the Bank's documents. In support of their claims, the Claimants submitted excerpts from books that reference the date and circumstances of Berthold Oppler’s death; several letters and postcards written by their great-uncle; a detailed Oppler family tree; various legal documents involving members of the Oppler family; and numerous letters and postcards, detailing correspondence between several members of the Oppler family.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that their great-uncle was Jewish and was persecuted by the Nazis while living in Germany during the Second World War. Specifically, the Nazis transported and detained Berthold Oppler at a *Juden-Heim*, from where he was to be deported to a concentration camp.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly shown that they are related to the Account Owner by submitting documents, including several letters and postcards written by their great-uncle and a detailed Oppler family tree, demonstrating that he was their great-uncle. There is no information before the CRT to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until his suicide in 1943 and would not have been able to repatriate his accounts to Germany without their confiscation; and the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their great-uncle, 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 accounts.

Amount of the Award

In this case, the Account Owner held a demand deposit account and a custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, the average values of the same or similar type of account in 1945 are 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 "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of

² Appendix C appears on the CRT II website -- www.crt.ii.org.

a custody account was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

Division of the Award

According to Article 23(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimants are the Account Owner's great-nephew and great-niece. Therefore, they are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 3, 2003