

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Penny Lona Grosz-Salomon

in re Account of Robert Peter

Claim Number: 200986/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Penny Lona Grosz-Salomon (the “Claimant”) to the account of Robert Peter (the “Account Owner”) at the Luzern 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 and an Initial Questionnaire identifying the Account Owner as her grandfather, Robert Peter, who was born in 1886 in Vienna, Austria, and was married to Ilona Grun, between 1915 and 1919, and who adopted her child Stephen, the Claimant’s father. The Claimant indicated that her father was born in Budapest, Hungary, in 1914, and that his biological father was Alfred Grosz, Ilona Grun’s first husband. The Claimant indicated that Robert Peter was an Austrian Jew, who lived in Vienna and in Reichraming, Austria, where he owned a summer villa. According to the Claimant, Robert Peter was an arbitrator and a dog breeder, and also owned an iron and steel business in Reischraming. The Claimant stated that her grandfather survived the Holocaust by hiding in Czechoslovakia. His wife, however, was captured and deported to Ravensbruck, where she was killed in 1944. The Claimant indicated that Robert Peter died in Vienna in November 1954. The Claimant also indicated that her father, Stephen, returned to Budapest in 1937, where he resided with his biological father. According to the Claimant, her father died in Los Angeles, California, USA in 1999.

Information Available in the Bank Record

The bank record consists of a printout from the Bank’s database. According to this record, the sole Account Owner was Robert Peter. The bank record does not indicate the place and country of residence of the Account Owner. The bank record indicates that the Account Owner held an

account of an unknown type and that the amount in the account was 17.10 Swiss Francs as of 17 May 1984, when the account was transferred to a suspense account for dormant assets. The account remains open and dormant. 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” of the “ICEP Investigation”) indicated that there was no evidence of activity on this account after 1945.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather’s name matches the published name of the Account Owner. In this instance, the bank record does not contain any specific information about the Account Owner other than his name. Thus, while the additional information provided by the Claimant cannot be compared with the information in the bank record. However, no information provided by the Claimant contradicts the information about the Account Owner contained in the bank record.

However, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Robert Peter, prior to the publication in February 2001 of the list of accounts determined by the ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her relative’s, but rather on a direct family relationship that was known to her before the publication of the ICEP 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 ICEP List. This supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has plausibly shown that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was an Austrian Jew and that he spent the Second World War hiding in Czechoslovakia. Moreover, his wife was captured and deported to Ravensbruck, where she was killed in 1944.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting detailed information about the Account Owner and his family. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank record indicates the account remains open and dormant. It is therefore clear that the account proceeds were not paid to the Account Owner or his heirs.

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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her adoptive grandfather, 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

The bank record indicates that the value of the unknown type of account held by the Account Owner was 17.10 Swiss Francs as of 17 May 1984. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 625.00 Swiss Francs, which reflects standardized bank fees charged to this account between 1945 and 1984. Consequently, the adjusted balance of the account at issue is 642.10 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown account type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 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/s and 35% of the total award amount is 16,590.00 Swiss Francs.

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 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 for payment by the Special Masters.

Claims Resolution Tribunal