

# CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]  
also acting on behalf of [REDACTED], [REDACTED], [REDACTED]

**in re Account of Melanie Pollak**

Claim Number: 223318/LK<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Melanie Pollak (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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his maternal great-aunt, Melanie Pollak, who was born on 28 November 1886 in Iglau, Czechoslovakia. The Claimant stated that his great-aunt lived in her father’s house at Lerchenfelderstrasse 66 in Vienna, Austria around the end of the 19<sup>th</sup> century and also lived at Rotensterngasse 23/7 in Vienna around 1942. The Claimant further stated that his great-aunt, who was Jewish, was deported to the Izbica transit camp where she perished on 15 May 1942.

In support of his claim, the Claimant submitted documents, including Melanie Pollak’s birth certificate from Czechoslovakia, indicating that her parents were [REDACTED] and [REDACTED], and the birth certificate of his maternal grandfather, [REDACTED], which indicates that his parents were also [REDACTED] and [REDACTED]. The Claimant also submitted his parents' family book, indicating that his mother was [REDACTED], née [REDACTED], and that [REDACTED]' father was [REDACTED]. In addition, the Claimant submitted an inheritance document relating to [REDACTED], the Claimant's maternal great-uncle, indicating that Melanie Pollak was his sister, and

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<sup>1</sup> The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], which are registered under the claim numbers 223312, 223313, 223314, 223315, 223316, 223317, and 223319, respectively. The CRT will treat the claims to these accounts in separate decisions.

that [REDACTED], the Claimant's mother, was [REDACTED]'s niece. The Claimant also submitted a detailed family tree.

The Claimant indicated that he was born on 25 May 1943 in Antibes, France. The Claimant is representing his three siblings, [REDACTED], who was born on 17 July 1946 in Boulogne, France; [REDACTED], who was born on 8 September 1944 in Camaux, France; and [REDACTED], née [REDACTED], who was born on 21 October 1948 in Boulogne.

### **Information Available in the Bank's Record**

The Bank's record consists of an extract of a list of numbered accounts, which had been closed. According to this record, the Account Owner was *Frau* (Mrs.) Melanie Pollak, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held an account of unknown type. According to the Bank's record, the account was closed in October 1938 and transferred to the *Oesterreichische Kredit Wienerbankverein* in Vienna. The amount in the account on the date of its transfer is unknown. 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") determined that the amount in the account had been paid to the Nazi authorities.

### **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Melanie Pollak who was a business owner and was born in Czechoslovakia on 28 November 1886 and lived in Vienna. These records indicate that Melanie Pollak resided at Grieshofgasse 1 in Vienna XII, and that she owned a business named [REDACTED] located at Storchengasse 3 in Vienna XIV. According to these records, Melanie Pollak owned assets totaling approximately 17,000.00 Reichsmarks (1938 value), consisting mainly of real estate and business assets. These records make no mention of assets held in a Swiss bank account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's great-aunt's name matches the published name of the Account Owner. The Claimant stated that his great-aunt resided in Vienna, Austria, which matches published information about the Account Owner contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the

Account Owner other than her name, title of “*Frau*,”<sup>2</sup> and city and country of residence. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Melanie Pollak, and indicates that her date of birth was 28 November 1868,<sup>3</sup> and that she resided in Vienna. In support of his claim, the Claimant submitted documents, including Melanie Pollak’s birth certificate and an inheritance document relating to [REDACTED], the Claimant’s maternal great-uncle, indicating that Melanie Pollak was his sister. These documents provide independent verification that the person the Claimant is claiming to be his great-aunt had the same name as the Account Owner as contained in the Bank’s record. The CRT further notes that the name Melanie Pollak appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that there were no other claims to this account. 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 was deported to Izbica where she perished in 1942. As noted above, a person named Melanie Pollak was included in the CRT’s database of victims.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner is his great aunt, the sister of his grandfather, by submitting specific biographical information, a detailed family tree and numerous documents. These documents include Melanie Pollak’s birth certificate, indicating that her parents were [REDACTED] and [REDACTED], and the birth certificate of the Claimant’s maternal grandfather, [REDACTED], which indicates that his parents were also [REDACTED] and [REDACTED]. The Claimant also submitted his parents’ family book, indicating that his mother was [REDACTED], née [REDACTED], and that [REDACTED]’ father was [REDACTED]. In addition, the Claimant submitted an inheritance document relating to [REDACTED], the Claimant’s maternal great-uncle, indicating that Melanie Pollak was his sister, and that [REDACTED], the Claimant’s mother, was [REDACTED]’s niece. The CRT notes that it is plausible that these documents, which indicate the Claimant’s great-aunt’s name, Melanie Pollak, are documents which most likely only a family member would possess. The CRT further notes that the Claimant identified information about his great-aunt which matches information contained in the Yad Vashem records. Finally, the CRT

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<sup>2</sup> The CRT notes while the Claimant did not indicate that his great-aunt was married, given that the Claimant’s great-aunt was over 45 years old during the relevant period, it is plausible that she would have been addressed as *Frau* regardless of her marital status.

<sup>3</sup> The CRT notes that there is a likely error in the year of birth of the Melanie Pollack identified the Victims’ database as the database identifies that she was born on 28 November 1868. The CRT concludes that the Melanie Pollak identified by the Claimant, who was born on 28 November 1886, is plausibly the same individual.

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 he has asserted in his Claim Form.

#### The Issue of Who Received the Proceeds

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the ICEP Investigation determined that the account had been paid to the Nazi authorities. The CRT also notes that facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks.

#### 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 his great-aunt, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(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 Claimant is representing his three siblings. Accordingly, the Claimant and his three siblings are each entitled to one-fourth of the total award amount.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
31 December 2003