

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Eugene Reichbach

Claim Number: 217823/WT

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Eugene Reichbach at the Geneva 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 his paternal uncle, Eugene Reichbach, who lived in Poland and was married in Kolomey, Poland. The Claimant indicated that his uncle, who was Jewish, perished in Auschwitz. The Claimant indicated that he was born on 1 May 1931 in Wojnilow, Poland. In a telephone conversation with the CRT, the Claimant stated that his uncle was a businessman who lived in Wojnilow and traveled frequently to European cities, including Zurich, Switzerland, and Paris, France.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by Abraham Reichbach and H. Strymber, and an ATAG Ernst & Young claim form in 1997, asserting his entitlement to Swiss bank accounts owned by Mendel Reichbach, Abraham Reichbach, Rachel Strymber, and Zalman Goldberg.¹

¹ The CRT did not locate any accounts belonging to Mendel Reichbach, Abraham Reichbach, H. Strymber, Rachel Strymber, or Zalman Goldberg in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's ledger of suspended accounts and a printout from the Bank's database. According to these records, the Account Owner was Mr. (*Monsieur*) Eugene Reichbach. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that on 22 May 1951 the account was transferred to a suspense account, where it remains today. The Bank's records indicate that the balance of the account on its date of transfer was 585.50 Swiss Francs ("SF"). 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") indicated that there was no evidence of activity initiated by the Account Owner after 1945.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 9 August 2007, the Bank provided the CRT with an additional document. This document consists of a customer card and indicates that the Account Owner was Eugene Reichbach, who held a correspondence address in Zurich, Switzerland and also an address in Paris, France.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name matches the published name of the Account Owner. The Claimant also identified the Account Owner's connection to Zurich, Switzerland and to Paris, France, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Abraham Reichbach, and an ATAG Ernst & Young claim form in 1997, asserting his entitlement to a Swiss bank account owned by Abraham Reichbach and Mendel Reichbach, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same surname as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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. The CRT further notes that there are 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 that he perished in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. 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 he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 22 May 1951 to a suspense account, where it remains today.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Third, 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 account of unknown type. The Bank's records indicate that the value of the account as of 22 May 1951 was SF 585.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account between 1945 and 1951. Consequently, the adjusted balance of the account at issue is SF 690.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 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
20 December 2007