

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Robert Reichsfeld

Claim Number: 501844/NB

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Robert Reichsfeld (the “Account Owner”) at the Zurich 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, Robert Reichsfeld, who was born on 9 November 1883, possibly in Austria, and was married to [REDACTED], née [REDACTED], who was born on 28 August 1887. The Claimant stated that her grandfather, who was Jewish, had a daughter, [REDACTED], née [REDACTED] (the Claimant’s mother), who was born on 20 April 1910 in Vienna, Austria. The Claimant stated that her grandparents were deported to Auschwitz, where they both perished on 24 October 1942.

In support of her claim, the Claimant submitted copies of: (1) her mother’s death certificate, which indicates that [REDACTED] was born on 20 April 1910 in Austria, that her father was Robert Richfield, who was born in Austria, that she was the mother of [REDACTED], and that she died on 25 April 1983 in California, the United States; (2) a document provided by the International Commission on Holocaust Era Insurance Claims (“ICHEIC”), which indicates that Robert Reichsfeld, *Kaufmann* (businessman), from Vienna, Austria, who was born on 9 November 1883, and his wife, [REDACTED], née [REDACTED], purchased an insurance policy in 1936; and (3) an excerpt from the List or Manifest of Alien Passengers for the United States sailing from Port of Spain, Trinidad, dated 4 November 1940, which indicates that [REDACTED], [REDACTED] and [REDACTED], who were born in Austria, reached the United States on 30 October 1940.

The Claimant indicated that she was born on 5 April 1936 in Austria.

Information Available in the Bank's Record

The Bank's record consists of a customer card. This record indicates that the Account Owner was Robert Reichsfeld, who resided in Vienna, Austria.

According to this record, the Account Owner held one demand deposit account and one custody account, the opening dates of which are unknown. The Bank's record indicates that the demand deposit account was closed on 11 April 1938, and that the custody account was closed on 12 April 1938. The amount in the demand deposit account on the date of its closure is unknown.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents contained a custody account identification card ("*Leitkarte*") and custody account portfolio holding cards ("*Depotvalorenkarten*") for each security held within the custody account, numbered 45104.

These documents indicate that at the time the Account Owner was deemed to have lost control over the account, it contained the following securities:

- *4% Eidg. Staatsanleihe von 1930* bonds with a face value of 2,500.00 Swiss Francs ("SF") which were sold on 7 April 1938;
- *3½% Schweiz. Bundesbahnen, Anleihe der Jura-Simplon-Bahn von 1894* bonds, with a face value of SF 2,500.00, which were sold on 7 April 1938; and
- *4% Schweiz. Bundesbahnen von 1933* bonds, with a face value of SF 2,000.00, which were sold on 7 April 1938.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Robert Reichsfeld, numbered 05591.

The records indicate that Robert Reichsfeld, *Kaufmann*, who was born on 9 November 1883, was married to [REDACTED], née [REDACTED], and resided at Thaliastrasse 53/12, Vienna, as of November 1938. The records also indicate that Robert Reichsfeld was the sole owner of a company specializing in rubber goods, raincoats, linoleum and sports articles, which was located

at Richard Wagnerplatz 17 in Vienna. The records further indicate that this company was aryanized, and that Robert Reichsfeld no longer owned the company by May 1939.

According to these documents, Robert Reichsfeld registered with the Nazi authorities that he owned real estate worth 9,871.75 Reichsmark (“RM”), monetary assets worth RM 760.80 held in Austrian banks, insurance policies worth RM 192.00 and valuables worth RM 90.00. He also reported that a silver watch and two rings had been seized (*beschlagahmt*) from him on 10 November 1938.

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 grandfather’s name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner’s city of residence, which matches unpublished information about the Account Owner as contained in the Bank’s record.

In support of her claim, the Claimant submitted documents, including one page from an insurance contract, provided by ICHEIC, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city and country of residence recorded in the Bank’s record as the name, city and country of residence of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Robert Reichsfeld, and indicates that he was born on 9 November 1883, and that he was deported to Auschwitz on 24 October 1942 with transport XIV-XV, and that he subsequently perished. Additionally, the CRT notes that the database containing the names of victims of Nazi persecution includes a page of testimony, submitted by a cousin of the Claimant on 7 May 1990, which indicates that Robert Reichsfeld, who was born in Vienna, Austria, around 1885, was a businessman who lived in Vienna prior to the Second World War, and in Belgium during the Second World War.¹ All of this information 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 there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

¹ The CRT notes that the date of birth indicated in the page of testimony provided by the Claimant’s relative to the Yad Vashem Memorial is different from the date of birth provided by the Claimant in her Claim Form, and that the Claimant did not identify the city of Malines, Belgium as provided by the Yad Vashem Memorial database. Nevertheless, the CRT has determined that such discrepancies do not adversely affect the identification of the Account Owner, in light of the remaining detailed information, which matches the information about the Account Owner provided by the Claimant.

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 was deported to Auschwitz, where he perished.

As noted above, a person named Robert Reichsfeld 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 information and documents, demonstrating that the Account Owner was the Claimant's maternal grandfather. These documents include the Claimant's mother's death certificate, which indicates that [REDACTED] was the daughter of Robert Richfield, and the mother of [REDACTED].

There is no information to indicate that the Account Owner has other surviving direct heirs.

The Issue of Who Received the Proceeds

Given that the two accounts were closed in April 1938, shortly after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"); that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner perished in Auschwitz in 1942; that the Account Owner's heirs would not have been able to obtain information about the accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account.

According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the market value of bonds not in default shall be

awarded if that value was above the face value on the date the account owner is deemed to have lost control over the account.

According to the Bank's records, the Account Owner held the following securities in custody account 45104:

- *4% Eidg. Staatsanleihe von 1930* bonds with a face value of SF 2,500.00. These bonds were of good quality and were trading at 106.50% when sold. The total market value of these bonds was therefore SF 2,662.50;²
- *3½% Schweiz. Bundesbahnen, Anleihe der Jura-Simplon-Bahn von 1894* bonds, with a face value of SF 2,500.00. These bonds were of good quality and were trading at 101.50% when sold. Accordingly, the total market value of these bonds was SF 2,537.50;³
- *4% Schweiz. Bundesbahnen von 1933* bonds, with a face value of SF 2,000.00. These bonds were of good quality and were trading at 104.90%, when sold. Accordingly, the total market value of these bonds was SF 2,098.00.⁴

Consequently, the total value of the securities held in the custody account was SF 7,298.00. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00.

With regard to the demand deposit account, the CRT notes that its value is unknown. 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 carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00.

Thus, the combined value of the accounts at issue is SF 15,140.00. 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 SF 189,250.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009

² The market value for this security was obtained from the *Zürcher Kursblatt*, 30 December 1938.

³ *Id.*

⁴ *Id.*