

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Natan Rozen

Claim Numbers: 217462/GO; 218770/GO

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”), and the claim of [REDACTED 2], née Graiwer, (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Natan Rozen (the “Account Owner”) 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 Claimants

The Claimants, who are related to each other by marriage, submitted substantially similar Claim Forms, identifying the Account Owner as Natan Rozen, the maternal uncle of Claimant [REDACTED 1] and [REDACTED], who is Claimant [REDACTED 2]’s late spouse. In a telephone conversation with the CRT on 10 February 2003, Claimant [REDACTED 1] stated that his uncle was born some time between 1905 and 1910, that he lived in Chelm, Poland, where he was a student, and that he was married to [REDACTED], with whom he had two children, [REDACTED] and [REDACTED]. Claimant [REDACTED 1] further stated that his uncle, who was Jewish, migrated to Palestine in the mid-1930s, and that he died on 29 May 1979. According to the Claimants, [REDACTED], Natan Rozen’s brother and Claimant [REDACTED 1]’s grandfather, resided in Nazi-occupied Chelm and had a business which was confiscated by the Nazis in 1939. The Claimants added that [REDACTED] and his family were forced into the Chelm ghetto and that, later, he and his wife [REDACTED], were deported to the Sobibor concentration camp, where they perished in 1942, and that their daughter, [REDACTED], née [REDACTED], who was Claimant [REDACTED 1]’s mother, was shot by the Nazis on 30 December 1942 near Chelm.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including: (1) his own birth certificate, indicating that [REDACTED 1] was born on 13 July 1923 in Chelm, and that [REDACTED] and [REDACTED], née [REDACTED], were his parents; (2) a Rozen Brothers' wholesale beer and soft drink company envelope in Chelm, with a mailing year of 1937, which was addressed to Nathan Rozen in Haifa, Palestine (today Israel); (3) a letter, dated 17 November 1938, bearing a letterhead of the Rozen Brothers' company, addressed to Nathan by his mother, [REDACTED];¹ (4) his mother's confirmation of death certificate, issued on 11 December 1945 by the District Court of Lublin, Poland, indicating that [REDACTED], who was a daughter of [REDACTED] and [REDACTED], was killed by the Nazis in December 1942; (5) his grandfather's confirmation of death certificate, issued on 1 September 1947 by the Local Court of Chelm, indicating that [REDACTED] was killed by the Nazis in November 1942; and (6) his own change of the name certificate, issued on 22 April 1950 by the Legal Department of the City Hall of Wroclaw, Poland, and indicating that [REDACTED], who was born on 13 July 1923 in Chelm, changed his name to [REDACTED 1].

In support of her claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) a Rozen Brothers' company envelope, with a mailing year of 1937, described above; (2) her mother-in-law's confirmation of death certificate, described above; (3) her husband's grandfather's confirmation of death certificate, described above; (4) her husband's death certificate, indicating that [REDACTED] died on 14 May 1984 in New York, New York, the United States, that [REDACTED 2] was his wife, and that [REDACTED] and [REDACTED] were his parents; and (5) a certificate of letters testamentary in relation to her husband's estate, issued on 25 February 1985 by the Bergen County Surrogate's Court of New Jersey, the United States, indicating that [REDACTED 2] is the executrix of [REDACTED]'s estate.

Claimant [REDACTED 1] indicated that he was born on 13 July 1923 in Chelm, and Claimant [REDACTED 2] indicated that she was born on 18 November 1923 in Slonim, Poland.

Claimant [REDACTED 1] and Claimant [REDACTED 2] each previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED], respectively.²

Information Available in the Bank's Record

The Bank's record consists of an extract from a suspense account ledger. According to this record, the Account Owner was Natan Rozen. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held a demand deposit account, which was suspended by the Bank on 7 November 1949 when it held a balance of 10.50 Swiss Francs ("SF"). The account remains suspended.

¹ The CRT notes that Rachela and Ruchla are variants of the same name.

² The CRT will treat the claims to these accounts in separate determinations.

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 CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s uncle's and Claimant [REDACTED 2]'s late husband's uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of their claims, the Claimants submitted copies of documents, including a Rozen Brothers' company envelope, which was addressed to Nathan Rozen, and a letter addressed to Nathan by his mother, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.³

The CRT further notes that the name Natan Rozen appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that there are no other admissible claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

This case is similar to other cases in which a Jewish national of a European country fled his or her country of origin shortly prior to Nazi-alliance or occupation. In cases in which the Account Owner left his / her homeland during the Relevant Period but before its alliance with or occupation by Nazi Germany (or, for Germany itself, before the Nazis' rise to power), the CRT has considered whether the Account Owner falls within the parameters of the definition of Victim or Target of Nazi Persecution on a case by case basis. Factors considered in making this determination include whether the account owner fled before or during the Relevant Period (for countries other than Germany), whether the bank records include the account owner's new contact address (which would indicate that the account owner initiated contact with the bank after his / her move), and the period of time elapsed between the time when the account owner left his / her country or origin and its alliance with or occupation by Nazi Germany.⁴

³ The CRT notes that Natan is the Hebrew variant of the name Nathan: see www.behindthename.com.

⁴ For further discussion of the Status of the Account Owner as a Target of Nazi Persecution in cases where an account owner who left his or her country of origin may be considered to be "shortly" before its alliance with or occupation by Nazi Germany, please see *In re Account of Emanuel Kohn* (approved on 12 October 2007).

In this case, the Claimants stated that the Account Owner was Jewish and that he left Poland for Palestine (now Israel) in the mid-1930s, less than five years before Poland was occupied by Nazi forces, and well after the Nazis came to power in Germany in January 1933. The Bank's record contains no indication of the Account Owner's new address in Palestine. The CRT also notes that Claimant [REDACTED 1] indicated that the Account Owner's brother and his brother's wife and daughter, resided in Nazi-occupied Poland and were murdered by the Nazis.

For these reasons, the CRT concludes that the Claimants have made a plausible showing that the Account Owner was a Target of Nazi Persecution.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s uncle and Claimant [REDACTED 2]'s late husband's uncle.

The CRT notes that the Claimants submitted copies of a Rozen Brothers' company envelope, which was addressed to Nathan Rozen, and a letter addressed to Nathan by his mother. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that, between them, the Claimants submitted copies of Claimant [REDACTED 1]'s birth and change of the name certificates as well as his mother's and his grandfather's confirmation of death certificates and Claimant [REDACTED 2]'s husband's death certificate, which provide independent verification that the Claimants' relatives bore the same family name as the Account Owner. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The CRT notes that Claimant [REDACTED 1] indicated that he has other surviving relatives, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended by the Bank on 7 November 1949 and that it remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] 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.

Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's nephew, has a better entitlement to the account than Claimant [REDACTED 2], the Account Owner's late nephew's wife.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 7 November 1949 was SF 10.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 75.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1949. Consequently, the adjusted balance of the account at issue is SF 85.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

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 of representation. In this case, Claimant [REDACTED 1], who is Account Owner's nephew, is a direct descendant of the Account Owner's parents, whereas Claimant [REDACTED 2] is related to the Account Owner only by marriage. Accordingly, Claimant [REDACTED 1] is entitled to the entire award amount. As noted above, Claimant [REDACTED 2] is not entitled to share in the award.

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
24 October 2008