

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant Gyuláné Vaig

## **in re Account of Rudolf Salgo**

Claim Number: 224046/PJ

Award Amount: 14,260.00 Swiss Francs

This Certified Award is based upon the claim of Gyuláné Vaig (the “Claimant”) to the account of Rudolf Salgo (the “Account Owner”) at 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 is redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her maternal uncle, who was born on 22 May 1880 in Pest, Hungary. The Claimant stated that she is the daughter of Rudolf Salgo’s sister and that she was born in Budapest, Hungary, on 24 May 1918.

The Claimant stated that her uncle was Jewish and lived in Budapest, Hungary. The Claimant further stated that her uncle was sent to a ghetto in Budapest during the Second World War, where he died in 1945. In support of her claim, the Claimant provided her uncle’s, her mother’s and her own birth certificates. The official extract of the birth certificate of the Claimant’s uncle, which is dated 13 February 2001, and is from the registry of the Jewish community in Budapest, also contains a notation that Rudolf, the son of Manó Schlésinger and Rozália Spitzer, had his last name changed from Schlésinger to Salgo on 18 August 1897.

### **Information Available in the Bank Records**

The bank records consist of a printout from the Bank’s database. According to these records, the sole Account Owner was Robert Salgo from Budapest, Hungary. The bank records indicate that the Account Owner held a numbered account with the Bank.

The bank records do not show when the account at issue was closed, to whom it was paid, or the value of the account. 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 did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. The auditors further indicated that the account was a safe deposit box.

## **The Tribunal's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant has provided her uncle's birth certificate, an excerpt from the birth registry of the Jewish community in Budapest, which demonstrates that Rudolf, the son of Manó Schlésinger and Rozália Spitzer, changed his last name from Schlésinger to Salgo on 18 August 1897. The Claimant's uncle's name therefore matches the published name of the Account Owner. The Claimant further stated that her uncle lived in Budapest, Hungary, which matches the published place of residence of the Account Owner. The Tribunal notes that the bank records do not contain any specific information about the Account Owner, other than his name and city and country of residence. Thus, the additional information provided by the Claimant cannot be compared with the bank information.

### 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 lived in a ghetto before his death in Budapest, Hungary, in 1945.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her uncle's, her mother's and her own birth certificates which demonstrate that she is the daughter of the Account Owner's sister. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still

other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Moreover, Swiss banks were authorized, under certain conditions, to forcibly open safe deposit boxes in order to recover unpaid rental fees. Thus, since the funds in this case apparently were not paid to the Account Owner or his family as described below, there is a substantial likelihood that these funds went to the Nazis or to the Bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account, the Tribunal concludes that it is plausible that neither the Account Owner nor his heirs received the proceeds. The Tribunal notes that the Account Owner was confined to a ghetto during the Second World War and could not access the account during this time. Further, as the Account Owner died in Budapest, Hungary, in 1945, it is unlikely that he closed the account himself. In addition, the Tribunal notes that it would have been extremely difficult and dangerous for the Account Owner's heirs to access the account as they were living in Communist Eastern Europe after the Second World War. Moreover, there is no evidence in the bank records suggesting that the Account Owner or his heirs closed the account and received the proceeds themselves.

#### Basis for the Award

The Tribunal 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a safe deposit account was 1,240.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 14,260.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. In this case, the value of the account at issue is based on the Article 35 presumptions and there is the possibility of other competing claims. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 4,991.00 Swiss Francs.

#### **Scope of the Award**

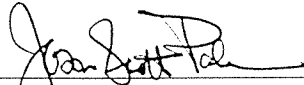
The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

## Certification of the Award

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. Articles 37(3)(a) and (b) of the Rules provide that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, and/or the Tribunal determines that an account may be subject to later competing claims, 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. Thus, the Rules instruct and require the Tribunal to certify and recommend an initial 35% payment in awards submitted for Court approval in particular cases where either the Tribunal has used the value presumptions of Article 35 or it has determined that the account may be subject to later competing claims, or both.

In this case, the Tribunal has used the value presumptions of Article 35 of the Rules to calculate the account value and is of the opinion that the account at issue may be subject to later competing claims. On this basis, the Tribunal certifies this Award for approval by the Court and for payment by the Special Masters in accordance with Article 37(3) of the Rules.

10 May 2022  
Date

  
\_\_\_\_\_  
Jason Scott Palmer  
Resident Claims Judge