

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Monique Salomon

**in re Account of Marcel Salomon**

Claim Number: 223158/VB<sup>1</sup>

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Monique Salomon (the “Claimant”) to the account of Marcel Salomon (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 has been redacted.

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

The Claimant submitted a Claim Form and Initial Questionnaire identifying the Account Owner as her father, who was born on 12 October 1899 in Dudelange, Luxembourg, and married Rosette Braun in 1934. The Claimant stated that she is the only daughter of the Account Owner and that she was born in Luxembourg on 13 March 1935.

The Claimant stated that her father, who was Jewish, owned a factory that made work clothes and that he lived in Luxembourg until 1939, when he fled to France. The Claimant further stated that her father and her mother were both deported to Auschwitz in 1944, where they perished.

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

The bank records consist of printouts from the Bank’s database. According to these records, the sole Account Owner was Marcel Salomon. The bank records indicate that the Account Owner held an unknown type of account. The records indicate that the account was transferred to a suspense account at an unknown date, and it remains open and dormant. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves. The amount in the account on 14 December 1987 was 3.90 Swiss Francs.

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<sup>1</sup> The Claimant submitted an additional claim to the account of Georges Joseph, which is registered under the claim number 223157. The CRT will treat this claim in a separate decision.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, 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 her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marcel Salomon, and indicates that his date of birth was 13 October 1899 and his place of birth was Dudelange, and that he was deported to Auschwitz, which matches the information about the Account Owner provided by the Claimant which supports her identification of the Account Owner as her father.

### 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 perished in Auschwitz.

Furthermore, as noted above, a database containing the names of victims of Nazi persecution includes a person named Marcel Salomon, and indicates that his date of birth was 13 October 1899 and his place of birth was Dudelange, and that he was deported to Auschwitz. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her birth certificate, demonstrating that she is the Account Owner's daughter. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank records indicate that the Bank transferred the account at issue to a suspense account, which is a grouping of open and dormant accounts, and the account remains open and dormant. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

The bank records indicate that the value of the account as of 14 December 1987 was 3.90 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 685.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is 688.90 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown account type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, 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. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 16,590.00 Swiss Francs.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT 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**

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

Claims Resolution Tribunal