

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Michael Salpeter

Claim Numbers: 713153/HB; 754241/HB¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Michael Salpeter (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 an Initial Questionnaire (“IQ”) and an ATAG Ernst & Young claim form identifying the Account Owner as her paternal uncle, Michael (Mishka, Michal, Michel) Salpeter, who was born in approximately 1900. The Claimant indicated that her uncle, who was Jewish, resided in Lwow, Poland (now Lviv, the Ukraine) and was very wealthy. According to the Claimant, her uncle traveled throughout Europe and deposited money in a bank in Zurich, Switzerland. The Claimant stated that her parents and their six children lived in Kolomea, Poland, and that, when that area was invaded by the Ukrainians, they wandered into Szombathely

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-TLV-G-71-120-151-811, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 754241. Additionally, in 1999, the Claimant submitted an Initial Questionnaire (“IQ”), numbered HEB-0057100, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 713153.

in eastern Hungary. The Claimant explained that, as a teenager, she received letters and packages from her father's brother Michael in Lwow, whom she and her siblings called "Uncle Miksha." The Claimant stated that her father died before the Second World War, and that her mother died in 1922, when the Claimant was only eight years old. The Claimant, as the youngest of six children, was sent to live with a foster family in Budapest. The Claimant explained that her uncle supported her and her siblings after they became orphans. The Claimant further indicated that her eldest sister, [REDACTED], was intended to marry her uncle, and that she corresponded with him until approximately 1940, when they lost contact, and the Claimant's sisters were deported to Auschwitz, where they perished. The Claimant stated that her uncle perished during the Second World War.

The Claimant submitted documents in support of her claims, including: (1) a copy of her own Israeli identity card, indicating that her married name is [REDACTED], and that she was born on 3 January 1914; and (2) documents from the Yad Vashem Memorial of Israel, indicating that [REDACTED], née [REDACTED], was born on 3 January 1914 in Palatilva, Hungary, and that she was imprisoned in Budapest and deported to Bergen-Belsen during the Second World War.

The Claimant indicated that she was born on 3 January 1914 in Palatilva.

Information Available in the Bank's Records

The CRT notes that 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") did not report an account belonging to Michael Salpeter during their investigation of the Bank.

Information Published by the Press Office of the Polish Ministry of Finance

In a publication entitled *Nasze Finase*, published by the Press Office of the Polish Ministry of Finance, number 25, dated 1998, there is information concerning the assets of Michael Salpeter. According to these records, the Account Owner was Dr. Michael Salpeter, who resided at 17 Sykstuska Street, Lwow. These records indicate that the Account Owner held a demand deposit account, and that as of 28 February 1964, the amount in the demand deposit account was 1,148.00 Swiss Francs ("SF"). Finally, these records indicate that on 15 August 1975, the account was transferred from the Swiss Unclaimed Assets Fund to the Polish government.

Information Available in the Swiss Federal Archive

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Dr. Michael Salpeter, whose last known address, as of 1938, was 17 Sykstuska Street in Lwow, Poland. These records indicate that, as of 28 February 1964, the Account Owner held a demand deposit account at the Bank with a value of SF 1,148.00. The records indicate that the assets were reported by the Bank as a "doubtful case" ("*Zweifelsfall*") in the course of the 1962 survey of assets held in Switzerland by foreigners

or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the “1962 Survey”). A stamp on the documents warns that they are to be treated with special care, because the Account Owner was domiciled behind the Iron Curtain. According to the records, the Guardianship Authorities of the city of Zurich (*Vormundschaftsbehörde der Stadt Zürich*) were requested to place these assets in trust. An internal memorandum in the file, dated 19 December 1966, indicates that these assets were placed under the legal care of Dr. H. Häberlin of Weinfelden. The records do not refer to the ultimate disposition of the assets.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant’s uncle’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s city and country of residence, which matches unpublished information about the Account Owner contained in the records from the Press Office of the Polish Ministry of Finance.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Michael Salpeter, and indicates that he was from Lwow, which 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 the Claimant filed an IQ with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Michael Salpeter, 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 claims 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.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different professional title, city, and country of residence than the title, city, and country of residence of the Account Owner. 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, resided in Nazi-occupied Poland, and that he perished during the Second World War. As noted above, a person named Michael Salpeter 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 specific 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 records from the Press Office of the Polish Ministry of Finance and those in the Swiss Federal Archive; that the Claimant filed an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of her own identity card and a copy of document from Yad Vashem, which provides independent verification that the Claimant bears the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family member 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 she has asserted in her Claim Forms.

The Issue of Who Received the Proceeds

The records from the Press Office of the Polish Ministry of Finance indicate that the account proceeds were transferred on 15 August 1975 to the Polish government.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are 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 uncle, 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 account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The records from the Press Office of the Polish Ministry of Finance indicate that the value of the demand deposit account as of 28 February 1964 was SF 1,148.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted

balance of the account at issue is SF 1,448.00. 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.

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 her claims to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of Record 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
23 June 2006