

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3],
and the Estate of [REDACTED 4]¹

**in re Account of Bernard Salzman, Jules Salzman, Abram Grünberg
and Max Grünberg**

Claim Number: 501579/AE

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“the Claimant”) to the published account of Bernard Salzman. This Award is to the to the published account of Bernard Salzman (“Account Owner Bernard Salzman”), Jules Salzman (“Account Owner Jules Salzman”), Abram Grünberg (“Account Owner Abram Grünberg”), and Max Grünberg (“Account Owner Max Grünberg”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Bernard Salzman as her maternal grandfather, Bernard Salzman, who was born approximately in 1866 in Iasi, Romania, and who was married to [REDACTED], née [REDACTED]. The Claimant further indicated that Bernard Salzman and [REDACTED] had two daughters named [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], and one son named Jules Salzman. The Claimant indicated that Bernard Salzman, who was Jewish, resided on Strasse Olari 123 in

¹ On 14 February 2005, [REDACTED 4]’s husband, [REDACTED], informed the CRT that [REDACTED 4] passed away.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Bernard Salzman, Jules Salzman, Max Grünberg, and Abram Grünberg are each indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidences the existence of only one account, jointly owned by Bernard Salzman, Jules Salzman, Max Grünberg, and Abram Grünberg.

Bucharest, Romania, and that he owned a shoe factory, named *Norma*, and a wholesale leather company, named *Bersal*. The Claimant indicated that her grandfather fled to Palestine in 1944.

The Claimant identified Account Owner Jules Salzman as her maternal uncle, Jules (Julius) Salzman, who was married to [REDACTED], née [REDACTED]. The Claimant further identified Account Owner Abram Grünberg as her uncle, Avram Grünberg, who was married to her aunt, [REDACTED], née [REDACTED]. The Claimant stated that Bernard Salzman died in Tel Aviv, Israel, that Julius Salzman died on 28 September 1959 in Bucharest and that Avram Grünberg died on 4 April 1944, also in Bucharest.

In a telephone conversation with the CRT on 28 January 2005, the Claimant's cousin, [REDACTED 2], whom the Claimant represents, identified Account Owner Bernard Salzman as his paternal grandfather, Bernard Salzman; Account Owner Jules Salzman as his father, Jules Salzman; and Account Owner Abram Grünberg as his father's brother-in-law, Avram Grünberg. [REDACTED 2] further stated that his grandfather and his father formed a business partnership with Avram Grünberg, and that they deposited money in a Swiss bank before or during the Second World War. [REDACTED 2] stated that his grandfather and his father, who were Jewish, resided in Bucharest during the Second World War.

In support of her claim, the Claimant submitted documents, including a copy of her birth certificate, showing that her mother was [REDACTED], from Bucharest, and a copy of the death certificate of her mother, [REDACTED], stating [REDACTED]'s father's name as Bernard Salzman.

The Claimant stated that she was born on 10 April 1928 in Bucharest. The Claimant represents her cousins, [REDACTED 4], who was born on 23 March 1923 in Bucharest, and [REDACTED 2], who was born on 10 June 1926 in Bucharest, as well as [REDACTED 4]'s husband, [REDACTED 3], who was born on 25 April 1920 in Bucharest.

The Claimant also submitted the following documents on behalf of her relatives: a copy of [REDACTED 4]'s birth certificate, showing her place of birth as Bucharest, and her father as Avram Grünberg; a copy of [REDACTED 4] and [REDACTED 3]'s marriage certificate, stating that [REDACTED 4]'s father was Avram Grünberg; a copy of [REDACTED 2]'s birth certificate, showing that he was born in Bucharest, that his father was Julius Salzman, and that Avram Grünberg was a witness to his birth; and a letter written by Jules Salzman, dated 10 September 1946 in Bucharest, in which he referred to his son [REDACTED 2].

Information Available in the Bank's Records

The Bank's records submitted to the CRT by 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") consist of a customer card and printouts from the Bank's database. According to these records, the Account Owners were Bernard Salzman, Jules Salzman, Abram Grünberg, and Max Grünberg who resided in Romania. The Bank's records indicate that the Account Owners held jointly a

numbered account, the type of which is not indicated, and which was held under the designation 8423. The Bank's records further indicate that the account was closed by November 1949.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the account ("Voluntary Assistance"). On 9 February 2005, the Bank provided the CRT with additional documents. These documents consist of lists of custody accounts, and indicate that the Account Owners jointly held one custody account numbered 22360, held under the designation 8423, opened on 26 August 1939. The Bank's records further indicate that the account was closed on 7 October 1948. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Bernard Salzman, Account Owner Jules Salzman, and Account Owner Abram Grünberg. The Claimant's grandfather's name and country of residence match the published name and country of residence of Account Owner Bernard Salzman. The Claimant's uncles' names and country of residence match the published names and country of residence of Account Owner Jules Salzman³ and Account Owner Abram Grünberg.⁴ The CRT notes that the Claimant identified the fact that Account Owner Bernard Salzman, Account Owner Jules Salzman, and Account Owner Abram Grünberg are related, although their names are published separately on the February 2001 published list of accounts identified by ICEP as probably or possibly those of victims of Nazi persecution (the "ICEP List").

In support of her claim, the Claimant submitted documents, including a copy of [REDACTED 4]'s birth certificate, showing her place of birth as Bucharest, and that her father was Avram Grünberg; a copy of [REDACTED 4] and [REDACTED 3]'s marriage certificate, showing that [REDACTED 4]'s father was Avram Grünberg; a copy of [REDACTED 2]'s birth certificate, stating that he was born in Bucharest, that his father was Julius Salzman, and that Avram Grünberg was a witness to his birth; a letter written by Jules Salzman, dated 10 September 1946 in Bucharest, in which he referred to his son Raymond and a copy of the death certificate of the Claimant's mother, [REDACTED], stating that [REDACTED]'s father's name was Bernard Salzman. These documents provide independent verification that the persons who are claimed to be Account Owners Bernard Salzman, Avram Grünberg and Julius Salzman had the same names

³ The CRT notes that the Claimant's uncle's name is spelled Julius on [REDACTED 2]'s birth certificate. The CRT finds this discrepancy does not adversely affect the Claimant's identification of Account Owner Jules Salzman.

⁴ The CRT notes that the Claimant identified her uncle as Avram Grünberg, while the Bank's records indicate that Account Owner Abram Grünberg's name was Abram Grünberg. The CRT further notes that the name Avram is a common variation of the name Abram, and therefore finds that this discrepancy does not affect the Claimant's identification of Account Owner Abram Grünberg.

and country of residence recorded in the Bank's records as the names and country of residence of Account Owners Bernard Salzman, Avram Grünberg and Julius Salzman.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owners, or did not identify the relationship between Account Owner Bernard Salzman, Account Owner Jules Salzman, and Account Owner Avram Grünberg.

The CRT notes that the Claimant did not identify Account Owner Max Grünberg.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Bernard Salzman, Account Owner Abram Grünberg and Account Owner Jules Salzman were Victims of Nazi Persecution. The Claimant stated that Account Owners Bernard Salzman, Abram Grünberg and Jules Salzman were Jewish, that they resided in Nazi-allied Romania, and that Account Owner Bernard Salzman fled to Palestine in 1944.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she and the parties she represents are related to Account Owner Bernard Salzman, Account Owner Jules Salzman, and Account Owner Abram Grünberg by submitting specific information and documents, demonstrating that Account Owner Bernard Salzman was their grandfather, that Account Owner Jules Salzman was the Claimant's and [REDACTED 4]'s uncle and [REDACTED 2]'s father, and that Account Owner Abram Grünberg was the Claimant's and [REDACTED 2]'s uncle and [REDACTED 4]'s father. These documents include her birth certificate, indicating that her mother was [REDACTED], and a copy of the death certificate of the Claimant's mother, [REDACTED], indicating that [REDACTED]'s parents were Bernard Salzman and [REDACTED], née Rubinstein.

The Claimant also submitted a copy of [REDACTED 4]'s birth certificate, showing that her father was Avram Grünberg; a copy of the marriage certificate of [REDACTED 4] and [REDACTED 3], showing that [REDACTED 4]'s father was Avram Grünberg; a copy of [REDACTED 2]'s birth certificate, showing that his father was Julius Salzman, and that Avram Grünberg was a witness to his birth; and a letter written by Jules Salzman, dated 10 September 1946 in Bucharest, in which he referred to his son Raymond.

There is no information to indicate that there are surviving heirs other than the parties whom Claimant is representing.

The Issue of Who Received the Proceeds

Given that Account Owner Bernard Salzman fled Romania to Palestine; that there is no record of the payment of the Account Owners' account to them; that the Account Owners and their heirs would not have been able to obtain information about their 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), (i) 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 Owners or their 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Bernard Salzman was her grandfather, Account Owner Jules Salzman was her uncle and [REDACTED 2]'s father, and that Account Owner Abram Grünberg was her uncle and [REDACTED 4]'s father. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one custody account. 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, in 1945 the average value of a custody account was SF 13,000.00. 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 162,500.00.

Division of the Award

According to Article 25(2) of the Rules, in cases where a Joint Account is claimed by relatives of only one or some of the Joint Account Owners, it shall be presumed that the Account was owned as a whole in equal shares by the Account Owners whose shares of the Account have been claimed. Accordingly, Account Owner Bernard Salzman, Account Owner Jules Salzman, and Account Owner Abram Grünberg shall each be presumed to have held a one-third share of the account.

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. With respect to Account Owner Bernard Salzman's share of the account, the CRT notes that the Claimant, [REDACTED 4], and [REDACTED 2], as Account Owner Bernard Salzman's grandchildren, have a better entitlement to Account Owner Bernard Salzman's share of the account than [REDACTED 3], who is only related to Account Owner Bernard Salzman by marriage. Accordingly, the Claimant, [REDACTED 4] and [REDACTED 2] are each entitled to one-third of Account Owner Bernard Salzman's share of the account.

With respect to Account Owner Jules Salzman's share of the account, the CRT notes that [REDACTED 2], as the son of Account Owner Bernard Salzman, has a better entitlement to Account Owner Bernard Salzman's share of the account than the Claimant and [REDACTED 4], Account Owner Jules Salzman's nieces, and [REDACTED 3], who is only related to Account Owner Jules Salzman by marriage. Consequently, [REDACTED 2] is solely entitled to Account Owner Jules Salzman's share of the account.

With respect to Account Owner Abram Grünberg's share of the joint account, the CRT notes that [REDACTED 4], as Account Owner Bernard Salzman's daughter, has a better entitlement to Account Owner Abram Grünberg's share of the account than the Claimant and [REDACTED 2], Account Owner Abram Grünberg's niece and nephew, respectively, and [REDACTED 3], Account Owner Abram Grünberg's son-in-law. Consequently, [REDACTED 4] is solely entitled to Account Owner Abram Grünberg's share of the account.

Therefore, the Claimant is entitled to one-ninth of the total award amount and her cousins, [REDACTED 4] and [REDACTED 2], are each entitled to four-ninths of the total award amount.

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 their 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 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
31 March 2005