

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paul Salzmann

Claim Number: 201287/AE

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (“the Claimant”) to the published account of [REDACTED].¹ This Award is to the unpublished account of Paul Salzmann (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).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 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 the Account Owner as his brother, Paul Salzmann, who was born on 24 April 1918 in Vienna, Austria. The Claimant stated that his parents, [REDACTED] and [REDACTED], who were Jewish, had three children: [REDACTED], Paul Salzmann, and the Claimant, who were born in Vienna in 1912, 1918, and 1924, respectively. The Claimant further stated that from approximately 1920 until 1938 his family, including Paul Salzmann, resided at Quellenstrasse 121 in Vienna, which was their residential address, as well as the address of the shoe store called *Salza*, which was owned by the Claimant’s father and managed by his mother. The Claimant stated that, after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), his brother, [REDACTED], was deported to the concentration camp in Dachau. The Claimant further indicated that his parents were forced to hand over properties and their business to the Nazis and were eventually forced to move from their apartment. The Claimant indicated that in 1939 his family fled Austria for Canada. The Claimant further indicated that [REDACTED], who changed his name to [REDACTED], died on 4 September 1992 in Montreal, Canada and that Paul Salzmann, died on 10 April 1973, also in Montreal. In support of his claim, the Claimant submitted a copy of his birth certificate, indicating his parents’ names as [REDACTED] and [REDACTED].

¹ In a separate decision, the Claimant was awarded this account. See *In re Account of [REDACTED]*, which was approved by the Court on 25 October 2002.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Paul Salzmann. The Bank's record does not indicate the domicile of the Account Owner. The Bank's record indicates that the Account Owner held an account, numbered 7943, the type of which is not indicated. The Bank's record indicates that the Account Owner last made contact with the Bank on 12 March 1936. The Bank's record further indicates that the account was transferred on 28 February 1977 to the Bank's suspense account for dormant assets. According to this record, on the date of its transfer, the account had a balance of 1.00 Swiss Franc ("SF"). The account remains in the Bank's suspense account.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED] and [REDACTED]. These documents, numbered 29561 and 27961, respectively, indicate that [REDACTED], née [REDACTED], was born on 14 August 1885 and that she was married to [REDACTED], who owned a shoe business. These records indicate that [REDACTED] and [REDACTED] resided in Vienna X at Quellenstrasse 121 and that they had two sons, [REDACTED] and Otto, who were born on 23 June 1924 and 6 November 1911, respectively. The records do not refer to the third son, Paul Salzmann. The records indicate that Rosa and [REDACTED]'s main assets were: a seven-eighth share of an apartment building located at Wiedner Guertel 16 in Vienna IV worth 60,638.00 Reichsmark ("RM"), and [REDACTED]'s shoe business, which was valued at RM 44,020.12. including [REDACTED]'s half share of the house in which they resided, his insurance policies, and the securities he owned. These records further include a notification, dated 27 January 1939, from the flight tax authorities estimating the family's total assets at RM 82,314.00, on which RM 20,533.00 "flight tax" (*Reichsfluchsteuer*) was assessed. The documents indicate that by this point in time, [REDACTED]'s business had been sold to a Nazi Party member in an aryanization process and that the apartment house of which [REDACTED] owned a seven-eighth share had also been aryanized. These records also indicate that the family participated in the *Gildemeester Aktion*, which arranged emigration for Jewish families in return for their ceding all their assets and which was subject to the strict control of the Central Office for Jewish Emigration (*Zentralstelle für Jüdische Auswanderung*), headed first by Adolf Eichmann and later by Alois Brunner. Finally, these records indicate that a confiscation order was issued on 28 February 1941, providing for the seizure of all assets belonging to [REDACTED] and [REDACTED], as well as the assets of their sons [REDACTED] and Otto. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name matches the unpublished 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. The CRT further notes that there are no other claims to this account. Taking all 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 indicated that the Account Owner was Jewish, and that he and his family were forced to flee Austria to Canada after the *Anschluss*.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's brother. The CRT notes that the Claimant submitted a copy of his birth certificate, indicating that he and his parents bore the family name [REDACTED]n, which provides independent verification that the Claimant's relatives shared the same family name as the Account Owner, and which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on 28 February 1977 to the Bank's suspense account, where it remains.

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 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his brother, 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.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 28 February 1977 was SF 1.00. In accordance with Article 31(1) of Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the

adjusted balance of the account at issue is SF 496.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
13 May 2005