

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Clara Bauer, née Schäffer

in re Account of Clara Schäffer

Claim Number: 211218/HM

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Clara¹ Bauer, née Schäffer (the “Claimant”) to the account of Clara Schäffer (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 an Initial Questionnaire stating that she, Clara Schäffer, is the Account Owner. The Claimant stated she was born on 16 April 1928 in Tekovske Luzany, Czechoslovakia and married Tibor Bauer on 16 April 1951 in Tel-Aviv, Israel. The Claimant further stated that her father, Julius Schäffer, who was born in 1882, was the owner of two large stores in Tekovske Luzany and opened a Swiss bank account in her name when she was a child. The Claimant asserted that her father died in 1942 before giving her any additional information about how she could access the account. In 1944, the Claimant, who is Jewish, was interned in a ghetto in Hungary and shortly thereafter was deported to Auschwitz. Additionally, the Claimant stated that after she was liberated from Auschwitz in 1945, she returned to Czechoslovakia and lived there until 1949, when she immigrated to Israel. The Claimant submitted her birth certificate, which indicates her maiden name, date and place of birth and the names and birthdays of her parents. In her Initial Questionnaire, the Claimant stated that her Swiss bank account contained 5,000.00 United States Dollars as well as jewelry.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account in her name.

Information Available in the Bank Records

¹ The Claimant indicated that her first name can be spelled as either Klara or Clara.

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was Clara Schäffer. The bank records indicate that the Account Owner held an account of unknown type, which was transferred to a suspense account. The amount in the account on 25 October 1961 was 2.55 Swiss Francs and the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's name matches the published name of the Account Owner. In support of her claim, the Claimant submitted documents, including her birth certificate which indicates her maiden name. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. The CRT also notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by herself, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as she, but rather on information that she knew before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that she 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 also notes that there are no other claimants to the account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that she was a Victim of Nazi Persecution. The Claimant stated that she is Jewish and was interned in Auschwitz until being liberated in 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner by submitting documents which indicate her maiden name.

The Issue of Who Received the Proceeds

The account was transferred to a suspense account on an unknown date and remains open and dormant.

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. Second, the Claimant has plausibly demonstrated that she is the Account Owner. Finally, the CRT has determined that the Account Owner has not received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held on account of an unknown type. The Bank records indicate that the value of the account as of 25 October 1961 was 2.55 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of an unknown 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 is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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 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 for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
April 24, 2003