

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Stephen M. Harnik

**in re Accounts of Robert Schey, Alexander Schey, Egon Bergson-Sonnenberg, Sissy Schey,
Therese Schey, and Risa (Therese) Bergson-Sonnenberg**

Claim Number: 300777/RT; 500774/RT

Award Amount: 5,173,691.63 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Egon Bergson-Sonnenberg and Dr. Alexander Schey. This Award is to the published account of Alexander Schey (“Account Owner Alexander Schey”), Egon Bergson-Sonnenberg (“Account Owner Egon Bergson-Sonnenberg”), Robert Schey (“Account Owner Robert Schey”), Sissy Schey (“Account Owner Sissy Schey”), Therese Schey (“Account Owner Therese Schey”), and Risa (Therese) Bergson-Sonnenberg (“Account Owner Risa Bergson-Sonnenberg”), over which Therese Klughofer (“Power of Attorney Holder Klughofer”) held power of attorney; the published accounts of Account Owner Robert Schey, over which Account Owner Egon Bergson-Sonnenberg, Account Owner Risa Bergson-Sonnenberg, Account Owner Alexander Schey, Adolf Rittersporn (“Power of Attorney Holder Rittersporn”), Christine Bergson-Sonnenberg (“Power of Attorney Holder Christine Bergson-Sonnenberg”) and Anton Bergson-Sonnenberg (“Power of Attorney Holder Anton Bergson-Sonnenberg”) (together the “Power of Attorney Holders”) held power of attorney; and the unpublished account of Account Owner Alexander Schey, all at the Basel branch of the [REDACTED] (the “Bank”).¹

¹ 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”), Robert Schey is indicated as having four accounts, and Anton Bergson, Christine Bergson, Risa Bergson, Egon Bergson-Sonnenberg, Therese Klughofer, Adolf Rittersporn, Alexander Schey, Sissy Schey, and Therese Schey were indicated as being Power of Attorney Holders for these accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of one account that was jointly owned by Alexander Schey, Egon Bergson-Sonnenberg, Robert Schey, Sissy Schey, Therese Schey, and Risa (Therese) Bergson-Sonnenberg, over which Therese Klughofer held power of attorney; two accounts that were solely owned by Robert Schey, over which Egon Bergson-Sonnenberg, Risa Bergson-Sonnenberg, Alexander Schey, Adolf Rittersporn, Christine Bergson-Sonnenberg, and Anton Bergson-Sonnenberg held power of attorney. Furthermore, the records from the Austrian State Archive indicate that Alexander Schey held one additional account. In addition, the CRT notes that, on the ICEP List, Robert Schey is indicated as having resided in Vienna, Austria. Upon careful review, the CRT has concluded that the Bank’s records evidence that Robert Schey resided in New York, New York, the United States.

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg as her parents, Egon Bergson-Sonnenberg, who was born on 2 February 1878 in Vienna, Austria, and Therese (Risa) Bergson-Sonnenberg, née Schey, who was born on 2 January 1880 in Vienna. The Claimant indicated that her parents were married in Vienna. The Claimant further identified Account Owner Alexander Schey as her maternal uncle, Dr. Alexander Alfons Schey, who was born on 17 May 1886 in Vienna, and identified Power of Attorney Holder Klughofer as Alexander Schey's spouse, Therese (Theresa) Schey, née Klughofer. In addition, the Claimant identified Account Owner Robert Schey as her maternal uncle, Robert Schey, identified Account Owner Sissy Schey as Robert Schey's spouse, Sissy Schey, and identified Account Owner Therese Schey as their daughter, Therese King, née Schey. Finally, the Claimant identified Power of Attorney Holder Anton Bergson-Sonnenberg and Power of Attorney Holder Christine Bergson-Sonnenberg as her siblings, Anthony Bergson-Sonnenberg, who was born on 16 February 1911 in Vienna, and Anna Christine Lethbridge, née Bergson-Sonnenberg, who was born on 1 November 1918 in Vienna.

The Claimant indicated that her parents, who were Jewish, resided at Haizingergasse 29/4 in Vienna until 10 February 1939. In a telephone conversation with the CRT on 7 January 2004, the Claimant's husband stated that Egon Bergson-Sonnenberg was a lawyer, and that he was imprisoned in Hamburg, Germany, for nine months after having been accused of perjury by the Nazi authorities. The Claimant's husband further stated that immediately after being released from custody, the Claimant's father fled from Vienna to the United Kingdom and then to the United States. The Claimant further indicated that her father died on 29 July 1967 in New York and that her mother died on 11 February 1968 in New York.

Furthermore, the Claimant stated that Alexander Schey, who was Jewish, resided on Alserstrasse in Vienna until 1938, and that he was imprisoned in the Dachau and Buchenwald concentration camps in 1938 and 1939. In a telephone conversation with the CRT on 7 January 2004, the Claimant's husband stated that Nazi authorities demanded that Alexander Schey repatriate his Swiss assets, and that Alexander Schey was released from the concentration camp in order to sign the relevant papers. The Claimant's husband further stated that Alexander Schey fled to the United States immediately after the signing.

Finally, the Claimant stated that Robert Schey emigrated to the United States in 1904, and that he worked as a textile designer. The Claimant indicated that Robert Schey died on 4 May 1942 in the United States.

The Claimant submitted documents in support of her claim, including: 1) her birth certificate, which indicates that her parents were Egon Felix Bergson-Sonnenberg, who was born on 2 February 1887 in Vienna, and Theresie Bergson-Sonnenberg, née Schey, who was born on 2

January 1880 in Vienna and who was Jewish; 2) Alexander Schey's Last Will, dated 6 August 1963, identifying the Claimant and Christine Lethridge as his nieces and identifying Anthony Bergson as his nephew; and 3) an unsigned letter, dated 14 February 1966, indicating that Alexander Alfons Schey, who was born on 17 May 1886 in Vienna and who held a doctorate degree in law from the Vienna University, was married to Theresa (Lilly) Klughofer, that he died on 12 February 1966, and that he was survived by his sister Therese Bergson, his nieces, [REDACTED], Christine A. Lethbridge, and Theresa King, and his nephew, Anthony R. Bergson.

In addition, the Claimant submitted redacted records, dated 8 November 1938, relating to the assessment of flight tax (*Reichsfluchtsteuer*) by the Nazi authorities against Alexander Schey. These documents indicate that Dr. Alexander Schey resided at Alserstrasse 67 in Vienna VIII. Moreover, the documents contain evidence of account ownership at the Basel branch of the Bank. These documents indicate that Alexander Schey held two custody accounts at the Basel branch of the Bank, and that the value of these accounts was 184,398.00 Reichsmark ("RM") and RM 41,012.00. The declaration of assets also indicates that Alexander Schey held a demand deposit account at the Basel branch of the Bank, which had a balance of 671.71 United States Dollars ("US \$"). The Claimant also submitted a letter from the Bank, dated 12 April 1938. This letter is a notification of the change of interest rate of *Obl. City of Danzig 1927 (Tabak Monopol Anleihe) holländische Ausgabe mit coupons per 1. April 1938 & ff.* bonds with a nominal value of 250.0.0 Pound Sterling, which were held in custody account 32554. Moreover, the letter makes a reference to a demand deposit account in United States Dollars.

Finally, the Claimant provided documents from the Austrian State Archive (Archives of the Republic, Finance) related to the assets of Dr. Alexander Schey, which are described below.

The Claimant indicated that she was born on 12 March 1914 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a customer card, an account opening contract, two power of attorney forms, an acknowledgement of receipt of general terms and conditions relating to custody accounts, an account opening contract, and correspondence between the Account Owners and the Bank. 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 Owners' assets ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of an instruction form, four power of attorney forms, and a record of loans.

According to these records, Account Owner Alexander Schey was Dr. Alexander Schey, who resided at Alserstrasse 67 in Vienna, Austria; Account Owner Egon Bergson-Sonnenberg was Dr. Egon Bergson-Sonnenberg, who resided at Strauchgasse 1-3 in Vienna; Account Owner Robert Schey was Robert Schey, who resided at 366 Broadway in New York, New York, the United States; Account Owner Sissy Schey was *Frau* (Mrs.) Sissy Schey, Account Owner Robert Schey's wife, who resided in New York; Account Owner Therese Schey was *Frl.* (Miss)

Therese Schey, Account Owner Robert Schey's daughter, who resided in New York; Account Owner Risa Bergson-Sonnenberg was *Frau* Risa (Therese) Bergson-Sonnenberg, Account Owner Egon Bergson-Sonnenberg's wife, who resided in Vienna; Power of Attorney Holder Rittersporn was Dr. Adolf Rittersporn, an attorney from Vienna; Power of Attorney Holder Christine Bergson-Sonnenberg was *Fräulein* (Miss) Christine Bergson-Sonnenberg, who resided at 158 Hamilton Terrace in London, the United Kingdom; Power of Attorney Holder Anton Bergson-Sonnenberg was Dr. Anton Bergson-Sonnenberg; and Power of Attorney Holder Klughofer was *Fräulein* Therese Klughofer, who resided at Keinergasse 10 in Vienna.

Accounts Held by Account Owner Robert Schey

The Bank's records indicate that Account Owner Robert Schey held a custody account and a demand deposit account, both numbered 34117. The Bank's records further indicate that on 16 November 1931, Account Owner Robert Schey granted powers of attorney over his accounts to Account Owner Egon Bergson-Sonnenberg, Account Owner Risa Bergson-Sonnenberg and Account Owner Alexander Schey; and that Power of Attorney Holder Rittersporn was granted power of attorney over these accounts on 10 November 1933. According to the Bank's records, all these powers of attorney were revoked on 21 June 1938 and replaced by powers of attorney in favor of Power of Attorney Holder Christine Bergson-Sonnenberg and Power of Attorney Holder Anton Bergson-Sonnenberg. The Bank's records indicate that Account Owner Robert Schey ordered the Bank on 23 March 1938 not to send any correspondence to Austria. These records further indicate that Account Owner Robert Schey requested on 24 March 1939 that the correspondence be sent to Power of Attorney Christine Bergson-Sonnenberg at her address in London.

The Bank's records indicate that Account Owner Robert Schey ordered the Bank on 2 February 1939 to issue a letter of credit for the amount of 2,500.00 Swiss Francs ("SF") in favor of [REDACTED] as well as two letters of credit for the amount of £200.0.0 each in favor of Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg to be redeemed at the Bank's branch in London. The Bank's records also indicate these letters of credit were secured by Account Owner Robert Schey's assets at the Bank. The Bank's records indicate that the letters of credit were redeemed.

According to the Bank's records, the accounts were closed on 28 April 1939. The amount in the accounts on the date of their closure is unknown. There is no evidence in the Bank's records that Account Owner Robert Schey, the Power of Attorney Holders, or their heirs closed the accounts and received the proceeds themselves.

Accounts Held Jointly by the Account Owners

According to the Bank's records, Account Owner Alexander Schey held a custody account, numbered 32554, over which Account Owner Egon Bergson-Sonnenberg held power of attorney. The Bank's records indicate that this account was opened no later than 20 April 1927.

The Bank's records indicate that on 20 October 1931, custody account 32554 was re-opened under the name of Account Owner Robert Schey; that Account Owner Alexander Schey and

Account Owner Egon Bergson-Sonnenberg had unlimited authority to dispose of the assets in the account during their lifetimes; and that Account Owner Robert Schey would remain the sole owner of the account after the deaths of Account Owner Alexander Schey and Account Owner Egon Bergson-Sonnenberg. In a letter, dated 12 December 1932, Account Owner Alexander Schey specified that Account Owner Robert Schey also had full authority to dispose of the assets in the account. In this letter, Account Owner Alexander Schey ordered the Bank to send all correspondence to him. The Bank's records further indicate that Account Owner Alexander Schey ordered the Bank to create a custody sub-account to custody account 32554 and granted power of attorney over the sub-account to Power of Attorney Holder Klughofer on 10 September 1935.

The Bank's records include a letter from Account Owner Alexander Schey to the Bank, dated 5 March 1938, adding Account Owner Sissy Schey and Account Owner Therese Schey as account owners. In the same letter, Account Owner Alexander Schey authorized Account Owner Risa Bergson-Sonnenberg to access the assets in the account except for the assets in the sub-account.

The Bank's records also include a letter from Account Owner Alexander Schey to the Bank, dated 11 March 1938, in which Account Owner Alexander Schey informed the Bank that third parties might be aware of the existence of this custody account, and consequently requested that the Bank ignore any future correspondence from him that would not make reference to the sub-account, the existence of which Account Owner Alexander Schey believed to be unknown to third parties.

The Bank's records indicate that the account was closed, but the date of closure is not recorded. 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") indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

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 Dr. Alexander Schey, numbered 43000; Therese Schey, numbered 28661; and Dr. Egon Bergson-Sonnenberg, numbered 41362.

Dr. Alexander Schey

The 1938 Census records concerning Dr. Alexander Schey include his asset declaration and official correspondence. These documents indicate that he was born on 17 May 1886, that he was married to Therese Schey, née Klughofer, that he was a private official (*Privatbeamter*), and that he resided at Alserstrasse 67 in Vienna VIII. The records indicate that Dr. Alexander Schey

was assessed and paid flight tax in the amount of RM 102,025.00 on estimated total assets of RM 408,100.00 and that he was assessed atonement tax (*Judenvermögensabgabe*), on which he paid a first installment of RM 8,500.00.

According to the records, Dr. Alexander Schey's wife signed the asset declaration on his behalf, because he had been arrested and was interned at Dachau at the time. This declaration indicates that he owned securities worth a total of RM 171,491.00. These securities are reported in two sets, one originally valued in Swiss Francs ("SF") totaling RM 67,916.00 and the second valued in Reichsmark totaling RM 103,575.00. There is no indication of where these securities were held.

These asset declaration, however, does contain evidence of account ownership at the Bank. Specifically, it indicates that Alexander Schey held a demand deposit account at the Basel branch of the Bank, with a value of US \$3.10 as of 27 April 1938.

Additionally, the records contain a letter from Dr. Alexander Schey to the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property ("*Vermögensverkehrsstelle*" or "VVSt"), dated 23 June 1938, identifying Dr. Egon Bergson-Sonnenberg and Dr. Adolf Rittersporn as his attorneys, indicating that he had been interned at Dachau since being arrested on 16 May 1938, and requesting an extension of the deadline to file his 1938 Census declaration to enable them to obtain his bank information. The records also contain several letters from Dr. Alexander Schey's wife, Therese Schey, to the VVSt, the last one dated 2 February 1939, noting that she acted on his behalf because her husband was being held in custody. In her letter to the VVSt, dated 7 December 1938, Therese Schey indicated that the General Consulates of the United States and the United Kingdom confirmed that he had received entry permits to the United States and the United Kingdom.

Therese Schey

The 1938 Census records concerning Therese Schey indicate that she was born on 11 September 1902, that she was married to Dr. Alexander Schey, and that she resided at Alsertstrasse 67 in Vienna VIII. In her declaration, Therese Schey stated that she was not Jewish. The records related to Therese Schey make no mention of assets held in a Swiss bank account.

Dr. Egon Bergson-Sonnenberg

The 1938 Census records concerning Dr. Egon Bergson-Sonnenberg indicate that he was born on 2 February 1878, that he was married to Therese (Risa) Bergson-Sonnenberg, née Schey, that he was an attorney, and that he resided at Haizingergasse 29 in Vienna XVIII. The records indicate that Dr. Egon Bergson-Sonnenberg and Therese Bergson-Sonnenberg owed assets totaling RM 233,337.00, including securities held at unknown banks with a total value of RM 63,072.00. The records further indicate that Dr. Egon Bergson-Sonnenberg was assessed flight tax of RM 47,134.00.

The records contain a letter from Dr. Egon Bergson-Sonnenberg to the VVSt, dated 5 December 1938, which indicates that he and his family were granted permission to emigrate to the United

Kingdom on 12 November 1938. The records also contain a letter from Dr. Egon Bergson-Sonnenberg to the VVSt, dated 8 December 1938, indicating that he was arrested on 30 June 1938 and held in custody in Hamburg, Germany. Finally, the records contain a Gestapo order, dated 28 August 1941, identifying Dr. Egon Bergson-Sonnenberg's children as Anton, who was born on 16 February 1911, Anna Christine, who was born on 1 November 1918, and [REDACTED], who was born on 12 March 1914, and indicating that all property of the family had been seized (*beschlagnahmt*) and would be confiscated (*eingezogen*) for the benefit of the Reich.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's parents' names match the published names of Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg, respectively. Additionally, the Claimant's siblings' names match the published names of Power of Attorney Holder Anton Bergson-Sonnenberg and Power of Attorney Holder Christine Bergson-Sonnenberg, respectively. The Claimant identified Account Owner Egon Bergson-Sonnenberg's and Account Owner Risa Bergson-Sonnenberg's address, as well as Account Owner Egon Bergson-Sonnenberg's title, which matches unpublished information about Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg contained in the Bank's records.

Furthermore, the names of the Claimant's maternal uncle and his wife match the published names of Account Owner Alexander Schey and Power of Attorney Holder Klughofer, respectively. The Claimant further identified Account Owner Alexander Schey's street address and title, which matches unpublished information about Account Owner Alexander Schey contained in the Bank's records.

In addition, the names of the Claimant's maternal uncle Robert Schey, his spouse Sissy Schey, and their daughter, Therese King, née Schey, match the published names of Account Owner Robert Schey, Account Owner Sissy Schey, and Account Owner Therese Schey, respectively. The Claimant identified Account Owner Robert Schey's city of residence as New York, which matches unpublished information about Account Owner Robert Schey contained in the Bank's records, even though Account Owner Robert Schey's city of residence was incorrectly published as Vienna on the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List").

Finally, the Claimant identified the familial relationships between each of the Account Owners, which matches unpublished information about the Account Owners contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her birth certificate, indicating that her parents were Egon Felix Bergson-Sonnenberg and Theresie Bergson-Sonnenberg, and that they resided in Vienna, and several tax-related documents, indicating that

Dr. Alexander Schey resided at Alserstrasse 67 in Vienna VIII, providing independent verification that the persons who are claimed to be Account Owner Egon Bergson-Sonnenberg, Account Owner Risa Bergson-Sonnenberg, and Account Owner Alexander Schey had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of Account Owner Egon Bergson-Sonnenberg, Account Owner Risa Bergson-Sonnenberg, and Account Owner Alexander Schey.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Alexander Schey, Account Owner Egon Bergson-Sonnenberg, and Account Owner Risa Bergson-Sonnenberg were Victims of Nazi Persecution. The Claimant stated that Account Owner Alexander Schey, Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg were Jewish, that Account Owner Egon Bergson-Sonnenberg and Account Owner Alexander Schey were imprisoned by the Nazis, and that they and their families fled from Austria to the United States and the United Kingdom after the incorporation of Austria into the Reich in March 1938 (the "Anschluss").

The CRT notes that Account Owner Robert Schey and his family resided in New York as of 1904, and therefore were not Victims of Nazi Persecution. The CRT notes, however, that Account Owner Robert Schey's relatives were Victims of Nazi Persecution. In particular, Account Owner Alexander Schey, Account Owner Egon Bergson-Sonnenberg, and Account Owner Risa Bergson-Sonnenberg, who held power of attorney over Account Owner Robert Schey's accounts and with whom he held a joint account, were Victims of Nazi Persecution, as specified above.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg were her parents, that Account Owner Alexander Schey and Account Owner Robert Schey were her uncles, and that Account Owner Sissy Schey was her aunt, and that Account Owner Therese Schey was her cousin. These documents include the Claimant's birth certificate, identifying Account Owner Egon Bergson-Sonnenberg and Account Owner Risa Bergson-Sonnenberg as her parents. The CRT notes that the familial relationships between the other Account Owners are evidenced by the Bank's records. There is no information to indicate that the Account Owners have other surviving heirs who have filed a claim.

The Issue of Who Received the Proceeds

Accounts Held by Account Owner Robert Schey

With respect to the accounts held by Account Owner Robert Schey, the CRT notes that the Bank's records indicate that the accounts were closed on 28 April 1939, at which time, according to information provided by the Claimant, Account Owner Robert Schey was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed, that Account Owner Robert Schey had relatives remaining in his country of origin, including persons who held power of attorney over the accounts, and that he also held a joint account with some of his relatives at the Bank, and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, that correspondence regarding the accounts was sent to Austria after the *Anschluss* until at least 23 March 1938, that Account Owner Robert Schey and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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) 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 Account Owner Robert Schey, the Power of Attorney Holders, or their heirs.

Accounts Held Jointly by the Account Owners

The CRT notes that the Claimant submitted records relating to the assessment of Account Owner Alexander Schey's flight tax, which refer to two custody accounts held at the Basel branch of the Bank. Given that the Bank's records indicate that the Account Owners held two custody accounts at the Basel branch of the Bank (a regular custody account and a sub-account) and that Account Owner Alexander Schey was giving the orders regarding these accounts, the CRT concludes that the records submitted by the Claimant refer to the custody account and sub-account, numbered 32554, which were jointly held by the Account Owners at the Bank.

With respect to these accounts, given that Account Owner Alexander Schey, Account Owner Egon Bergson-Sonnenberg, Account Owner Risa Bergson-Sonnenberg, and Power of Attorney Holder Klughofer remained in Austria until 1938, when they fled Europe to avoid Nazi persecution, and would not have been able to repatriate their account to Austria without losing ultimate control over their assets; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; 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 (d), (h) 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.

Account Held by Account Owner Alexander Schey

The CRT notes that the Claimant submitted records relating to the assessment of Account Owner Alexander Schey's flight tax, which refer to a demand deposit account containing United States Dollars, held at the Basel branch of the Bank. The CRT further notes that Account Owner Alexander Schey's 1938 Census declaration also refers to a demand deposit account containing United States Dollars, held at the Basel branch of the Bank. Given that these records all refer to an account of the same type, containing the same currency, and at the same branch of the Bank as the account evidenced by the Bank's records, the CRT concludes that these records all refer to one and the same demand deposit account held by Account Owner Alexander Schey at the Bank.

With respect to this account, the facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the Account Owner reported the account in the 1938 Census; that the Account Owner lived in Austria until he fled Europe in 1938 to avoid Nazi persecution, and therefore could not have repatriated the account without losing ultimate control over its proceeds; and given the application of Presumptions (d), (h) 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 Owner or his 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her parents, maternal uncles, and their spouses, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Robert Schey held one custody account and one demand deposit 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, and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 an award amount of SF 189,250.00.

Furthermore, the Account Owners jointly held a custody account and sub-account. According to the records submitted by the Claimant records relating to the assessment of Account Owner Alexander Schey's flight tax, the values of these accounts as of 8 November 1938 were RM 184,398.00 and RM 41,012.00, for a total historical value of RM 225,410.00, which was equivalent to SF 395,819.96.² 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 an award amount of SF 4,947,749.50.

Finally, Account Owner Alexander Schey held one demand deposit account. According to the records submitted by the Claimant records relating to the assessment of Account Owner Alexander Schey's flight tax, the value of the demand deposit account as of 8 November 1938 was US \$671.71, or SF 2,935.37. 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 an award amount of SF 36,692.13.

Consequently, the total award amount is SF 5,173,691.63.

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
21 June 2006

² In converting the account balance to Swiss Francs, the CRT uses official exchange rates.