

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED], represented by [REDACTED]

in re Account of Egon Schick

Claim Number: 217948/HS

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 Egon Schick (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 a Claim Form identifying the Account Owner as her father-in-law, Egon Schick, who was born on 3 September 1879 in Vienna, Austria, was married to [REDACTED] in Vienna, and had one child, the Claimant’s late husband [REDACTED], who was born on 4 February 1918 in Vienna. The Claimant stated that her father-in-law, who was Jewish, was an obstetrician and gynecological surgeon with a successful medical practice. The Claimant further stated that her father-in-law worked and resided at Freiheitsplatz 13 in Vienna from 1918 to 1938. According to the Claimant, the name of the street where her father-in-law resided was later changed to Herman Göringplatz. The Claimant indicated that after the Nazis entered Austria,¹ her father-in-law, who treated many Aryan patients as part of his practice, feared arrest by the Nazis. The Claimant further stated that her father-in-law sent his son abroad after the *Anschluss*, but that her father-in-law remained in Vienna, where he later suffered a nervous breakdown, was hospitalized and, finally, rather than face Nazi persecution, committed suicide on 12 June 1938. The Claimant indicated that after her father-in-law’s death, her mother-in-law, in compliance with the Nazi order of April 26, 1938 reported her late husband’s assets to the Nazi government and to pay a special emigration tax in order to leave Austria. The Claimant stated that she, her husband and her mother-in-law eventually emigrated to the United States. According to the information provided by the Claimant, her mother-in-law died on 17 December 1973 in Milwaukee, Wisconsin, the United States, and the Claimant’s husband died on 7 February 1992 in Palm Springs, California, the United States.

¹ The CRT notes that the Nazis entered Austria in the night of 11 - 12 March 1938. In April 1938, after a popular referendum, Austria was incorporated into the Reich (the “*Anschluss*”).

The Claimant submitted documents, including [REDACTED]'s death certificate, indicating that he was born in Austria to [REDACTED] and Egon Schick, that Egon Schick was also born in Austria, and that the Claimant was [REDACTED]'s wife; letters of administration from Maryland, the United States, dated in 1992, stating that the Claimant is the representative of the Estate of [REDACTED]; and the death certificate of [REDACTED], née [REDACTED], dated in 1973 in Milwaukee, indicating that [REDACTED] reported her death to the authorities. Additionally, the Claimant submitted a document addressed to the Austrian Nazi authorities from [REDACTED], indicating that [REDACTED] resided at Hermann Göringplatz 13 in Vienna IX, that she was the widow of medical doctor Egon Schick, that she had previously reported his assets as required, and listing several amendments to her previous report.

The Claimant indicated that she was born on 30 May 1919 in Vienna.

Information Available in the Bank's Records

The Bank's records consists of a list of accounts for which the Bank did not have a correspondence address, a register of numbered accounts that were closed, and printouts from the Bank's database. According to these records, the Account Owner was Dr. Egon Schick, who resided in Vienna, Austria.

The Bank's records indicate that the Account Owner owned a demand deposit account, numbered 60517. According to these records, the Account Owner's account was transferred to the Bank's suspense account for dormant assets on 1 December 1937. The Bank's records indicate that the amount in the account on the date of its transfer was 197.50 Swiss Francs. According to the Bank's records, the demand deposit 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 Jews residing within the Reich who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Egon Schick, numbered 43948. According to these records, Dr. Egon Schick was a doctor of gynecology (*Facharzt für Frauenheilkunde*), who was born on 3 September 1879, was married to [REDACTED], née [REDACTED], and who died on 12 June 1938. According to these records, which were signed by [REDACTED] in Vienna on 14 July 1938, [REDACTED] reported that she and her late husband, in addition to real estate, owned securities worth 63,273.00 Reichsmarks and an insurance policy with the *Oesterreichische Versicherung A.G.* worth 49,695.92 Reichsmarks. The records contain a letter, dated 10 August 1938, from the Nazi Ministry of Economics and Labor (*Ministerium für Wirtschaft und Arbeit*) ordering [REDACTED] to offer all her foreign securities for sale to the *Reichsbank* in Vienna. These records make no mention of assets held in a Swiss bank account.

Additionally, the Claimant submitted [REDACTED]'s amendment to the census form described above, in which she notes several expenses, including costs associated with her late

husband's funeral and payment of "flight tax" (*Reichsfluchtsteuer*) in the amount of 36,300.00 Reichsmarks, which she had paid pursuant to an order issued by the relevant authorities (*Reichsfluchtsteuerstelle*) on 1 September 1938.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father-in-law's name and city and country of residence match the published name and city and country of residence of the Account Owner. Additionally, the Claimant stated that the Account Owner used the professional title "Dr.," which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents including [REDACTED]'s death certificate and [REDACTED]'s amendment to the census form that she submitted on behalf of her late husband, Dr. Egon Schick. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and title, and resided in the same city and country recorded in the Bank's records as the name and title, and city and country of residence of the Account Owner.

Additionally, the Claimant identified information about her father-in-law contained in the Austrian State Archive, including the dates of his birth and death, his spouse's name, his profession, and his address, which matches or is consistent with the information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Egon Schick from Austria, 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 other claim to this account was disconfirmed because that claimant indicated that he had two relatives named Egon Schick who were born in 1929 and 1933, dates which are inconsistent with the fact that, according to the Bank's records, in 1937 the Account Owner was already using the professional title "Dr."

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, that he resided in Vienna at the time of the *Anschluss*, and that he committed suicide in order to avoid Nazi persecution.

Additionally, the CRT notes that the Account Owner's widow filled out an Austrian census form, which the Nazi Regime required for Jews residing within Austria who held assets above a specified level. As noted above, a person named Dr. Egon Schick 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 and documents demonstrating that the Account Owner was the Claimant's father-in-law. These documents include [REDACTED]'s death certificate, letters of administration pertaining to [REDACTED], [REDACTED]'s death certificate, and [REDACTED]'s amendment to the census form that she submitted on behalf of her late husband, Dr. Egon Schick. There is no information to indicate that the Account Owner has other surviving heirs who filed a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the demand deposit account was transferred to a suspense account on 31 December 1937, and that it remains in the suspense account today.

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 her father-in-law, 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the account as of 1 December 1937 was 197.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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. Consequently, the total award amount in this case is 26,750.00 Swiss Francs.

Division of the Award

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. Additionally, according to Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased, and the child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner. Accordingly, as the widow of the Account Owner's only child, the Claimant is entitled to 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 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
8 June 2004