

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Heinz Schlägel

in re Account H. Schlegel

Claim Number: 004745/EZ/HS

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Heinz Schlägel (the “Claimant”) to the account of [REDACTED] (also spelled [REDACTED] or [REDACTED]).¹ This award is to the unpublished account of H. Schlegel (the “Account Owner”) at the St. Gallen branch of the [REDACTED] (the “Bank”).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 himself. The Claimant stated that he was born on 13 April 1937, in Gura-Humorului-Vama, Romania, to [REDACTED] (also spelled “[REDACTED]” or “[REDACTED]”) and [REDACTED], née [REDACTED]. The Claimant stated that his father, who was Jewish, was a wood dealer in Vama, and that in 1941 his entire family, including the Claimant, was sent to a slave labor camp in Moghilev, Transnistria, where his father perished on 6 February 1942. The Claimant stated that he was released from the slave labor camp in 1944, after which he returned to Romania. The Claimant further stated that in 1964 he emigrated to Israel, where he lives today, and that his mother passed away in 1993 in Israel.

In a telephone conversation with the CRT on 25 April 2004, the Claimant stated that the account could have been opened in the name of a relative of his father, but that he had no specific details

¹ The CRT did not locate an account belonging to [REDACTED], [REDACTED] or [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

about the account because he was five years old when his father perished. The Claimant added that after the Holocaust, his mother mentioned a Swiss bank account owned by his father, but that she never provided any details about this account.

The Claimant submitted his parents' marriage certificate, his father's death certificate, and a certificate indicating the Claimant's release from the slave labor camp, and also indicating that his own surname and that of his paternal relatives was spelled "[REDACTED]," "[REDACTED]," or "[REDACTED]."

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 H. Schlegel. The Account Owner's place of residence is not recorded. The Bank's record indicates that the Account Owner held an account, numbered 24073, the type of which is not indicated. According to the Bank's record, the account was transferred to a suspense account for dormant assets on 20 August 1970. The amount in the account on the date of its transfer was 1.85 Swiss Francs. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the unpublished surname and first initial of the Account Owner.² The CRT notes that the Claimant filed a claim for an account owned by his father, whose surname is the same as the Account Owner's unpublished surname. Furthermore, the CRT determines that it is possible that the Claimant's father opened an account in the Claimant's name, given that the Claimant stated that after the Holocaust his mother mentioned a Swiss bank account owned by his father; that the Claimant stated that his father could have opened the account in the name of another relative; and that the Claimant was only five years old when his father perished, and therefore the Claimant would not necessarily have known of an account in his own name.

In support of his claim, the Claimant submitted documents, including his parents' marriage certificate, his father's death certificate, and a certificate relating to the Claimant's release from a slave labor camp, indicating his own and his parents' names and providing independent verification that the person who is claimed to be the Account Owner had the same surname and first initial as those recorded for the Account Owner in the Bank's record. Furthermore, the CRT notes that the Bank's record does not contain any specific information about the Account Owner

² The CRT notes that the documents provided by the Claimant indicate that the surname of the Claimant and his paternal relatives could be spelled "[REDACTED]", "[REDACTED]", or "[REDACTED]". Considering that the Bank's record for the Account Owner's account consists of a printout from the Bank's database, rather than original documents, and that the spelling of the Claimant's surname as "[REDACTED]" is supported by documents that the Claimant provided, the CRT determines that these variations in spelling are insubstantial.

other than his surname and first initial. The CRT also 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 stated that he is Jewish, and that he was interned in a slave labor camp, where his father also perished in 1942. The Claimant also submitted his father's death certificate and a certificate indicating the Claimant's release from the slave labor camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information and documents demonstrating that his own surname and first initial are the same as those of the Account Owner. These documents include a certificate indicating the Claimant's release from a slave labor camp and his father's death certificate.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account for dormant assets, 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 he is the Account Owner, which justifies an Award. Third, the CRT has determined that the Account Owner did not receive 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 20 August 1970 was 1.85 Swiss Francs ("SF"). 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 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 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
28 September 2004