

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Stefan Artur Wolff

in re Account of Betty Schlesinger

Claim Number: 213065/LK

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Stefan Artur Wolff (the “Claimant”) to the account of Betty Schlesinger (the “Account Owner”) at the Zurich branch of 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 identifying the Account Owner as his maternal grandmother, Betty Schlesinger, née Stern, who was born on 12 October 1877 in Bismarckhütte, Poland, and was married to Arthur Schlesinger on 29 March 1906 in Bismarckhütte. The Claimant stated that his grandmother, who was Jewish, worked for a distillery and a papermaking business. The Claimant further stated that his grandmother resided at Bachestrasse 1 in Berlin-Wilmersdorf, Germany, and later at Wiesbadenerstrasse 5 in Berlin-Friedenau, until 1939, when she fled Germany for Santiago, Chile. The Claimant explained that his grandmother fled Germany because she was Jewish and believed the Nazis would kill her if she remained there. The Claimant further explained that as a result of the atrocities committed during the Second World War, his grandmother suffered from depression, which contributed to her death on 19 March 1947 in Santiago. The Claimant indicated that his grandmother had one daughter, the Claimant’s mother, Marie Cäcilie Wolff, née Schlesinger, who was born 21 March 1907 in Katowice, Poland, and died on 20 January 1982 in Santiago, Chile. The Claimant further indicated that his grandfather, Arthur Schlesinger, died on 24 November 1932 in Berlin, Germany.

In support of his claim, the Claimant submitted numerous documents, including his grandparents’ marriage certificate, identifying them as Arthur Schlesinger and Betty Schlesinger, née Stern; a copy of his grandmother’s Polish passport, identifying her as Betta Schlesinger of Berlin-Wilmersdorf; the Claimant’s mother’s birth certificate, identifying the Claimant’s mother

as Marie Cécilie Schlesinger, and her parents as Arthur Schlesinger and Betty Schlesinger, née Stern; the Claimant's parents' marriage certificate, identifying them as Bernhard Israel Wolff and Marie Cécilie Wolff, née Schlesinger, who resided at Rudolstädterstrasse 123 in Berlin-Wilmersdorf; and the Claimant's own birth certificate, identifying his parents as Bernhard Wolff and Marie Cécilie Wolff, née Schlesinger, of Berlin-Wilmersdorf. The Claimant's birth certificate indicates that he was born on 7 November 1937 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Betty Schlesinger, who lived at Wiesbadenerstrasse 5 in Berlin-Friedenau, Germany, and later at Rudolstädterstrasse 123 in Berlin-Wilmersdorf. The Bank's records indicate that the Power of Attorney Holder was *Frl.* (Miss) Marie Cecilie Schlesinger. These records further indicate that the Account Owner held one custody account, numbered 35916, which was opened no later than 27 December 1932 and was closed on 18 November 1933.¹ The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's and mother's names and city of residence match the published names and city of residence of the Account Owner and Power of Attorney Holder. The Claimant identified his grandmother's street addresses, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also submitted documents, including his mother's birth certificate, identifying her as Marie Cécilie Schlesinger and her mother as Betty Schlesinger, née Stern; the Claimant's parents' marriage certificate, identifying his parents as Bernhard Israel Wolff and Marie Cécilie Wolff, née Schlesinger, who resided at Rudolstädterstrasse 123 in Berlin-Wilmersdorf; and the Claimant's own birth certificate, identifying his mother as Marie Cécilie Wolff, née Schlesinger, of Berlin-Wilmersdorf. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT determines 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 the Account Owner was Jewish and that she fled Germany

¹ While the 2001 List of Swiss Bank Accounts from the ICEP Investigation indicates that the Account Owner held two accounts, the Bank's records show that the Account Owner held only one account.

for Chile because she believed the Nazis would kill her if she remained.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, which demonstrate that the Account Owner was his grandmother. These documents include the Claimant's mother's birth certificate, identifying her as Marie Cécilie Schlesinger and her mother as Betty Schlesinger, née Stern; and the Claimant's own birth certificate, identifying his mother as Marie Cécilie Wolff, née Schlesinger. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the account was closed on 18 November 1933; that the Account Owner remained in Germany until 1939 and the Power of Attorney Holder remained in Germany until at least 1937, and would not have been able to repatriate the account to Germany without its confiscation; that there is no record of the payment of the account to the Account Owner, the Power of Attorney Holder, or their heirs; that the Account Owner and her heirs would not have been able to obtain information about her account 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 Owner was his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that the Account Owner, the Power of Attorney Holder, or their heirs did not receive the proceeds of the claimed account.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

In this case, the Account Owner held one custody 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. 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 a total award amount of 162,500.00 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 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
20 May 2004