

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of Olga Bloch, née Schlesinger

in re Account of Olga Schlesinger

Claim Number: 300535/SJ

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Olga Schlesinger (the “Account Owner”) at 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 his sister, Olga Bloch, née Schlesinger, who was born on 1 January 1921 in Vienna, Austria, and was married twice: first in 1940 in the Dominican Republic after having fled there, and then, after her divorce in the late 1940s, to [REDACTED] in New York, New York. The Claimant stated that his family lived in Vienna, where his father, [REDACTED], was a builder and a civil engineer until his license to build was revoked by the *Verwaltung der Stadt Wien, staatlicher Wirkungsbereich* in 1939. The Claimant provided his family’s address through 1939 as Alserstrasse 16, Vienna IX. According to the Claimant, he left Vienna for England in 1939 at age 17, and his parents moved to Hollandstrasse 10, Vienna II. In a telephone conversation with the CRT on 19 March 2004, Olga Bloch, née Schlesinger, stated that she resided in Vienna before the Second World War, traveled to England in August 1939, where she remained for one year until she went to the Dominican Republic, where she remained for eleven years; Mrs. Bloch stated that she immigrated to the United States in 1952, where she lives today. The Claimant stated that his father owned a Swiss bank account and that in 1940 his father planned to travel to Zurich to withdraw funds from this account in order to immigrate to Israel. The Claimant noted, however, that his father was turned away at the Swiss border in Buchs, Switzerland and forced to return to

¹ The CRT will treat the claim to this account in a separate decision.

Vienna. The Claimant stated that his father was then sent to the Lodz ghetto in 1941 until July 1944, when the ghetto was liquidated and the inmates were transferred to Auschwitz, where his father perished in August 1944. In support of his claim, the Claimant submitted a copy of his sister's birth and marriage certificates, showing that her name is Olga Schlesinger and that she was born in Vienna on 1 January 1921; a copy of the letter from the *Verwaltung der Stadt Wien, staatlicher Wirkungsbereich*, dated 31 December 1939, regarding the revocation of his father's builder's license; a copy of a letter from the city of Zurich, dated 8 April 1940, regarding the plans for [REDACTED] to arrive; a copy of [REDACTED]'s letterhead from Vienna; and a copy of a postcard written by [REDACTED] from the Lodz ghetto. The Claimant stated that he was born on 18 June 1922 in Vienna. The Claimant is representing Olga Bloch, his sister, who, as noted above, was born on 1 January 1921 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Fräulein* (Miss) Olga Schlesinger who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account, numbered L 55496, which was opened on 31 December 1935 and was closed on 15 March 1939. 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 or her 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 sister's name matches the published name of the Account Owner. The Claimant identified his sister's place of residence as Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's record. Although the Claimant did not claim that his father had deposited monies in any name other than his own, the CRT believes it is plausible that [REDACTED] (the father of [REDACTED] and Olga Schlesinger) opened this account in the name of his daughter Olga on the day before her 15th birthday. Furthermore, the Claimant's identification of Olga as a young, unmarried woman at the time this account was opened matches unpublished information in the Bank's record regarding the Account Owner's title as "*Fräulein*" or Miss. In support of his claim, the Claimant submitted a copy of his sister's birth and marriage certificates, showing that Olga Schlesinger was born on 1 January 1921 in Vienna and providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence as the Account Owner. The CRT also notes that the name Olga Schlesinger appears only once 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. Finally, the CRT notes that there are no other claims to this account. Taking all of 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 the Account Owner was Jewish, that she was forced to flee Austria, and that her father perished at Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his sister's birth and marriage certificates, demonstrating that the Account Owner is his sister, whom he is representing in these proceedings.

The Issue of Who Received the Proceeds

Given that the Account Owner's custody account was closed on 15 March 1939, two days after the *Anschluss* (annexation of Austria by Germany); that Nazi confiscatory legislation was in effect at the time the account was closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Claimant stated that the Account Owner was forced to flee Austria after the *Anschluss* on 30 August 1939; that there is no record of the payment of the Account Owner's account to her; that the Account Owner would not have been able to obtain information about her closed 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 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), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner. 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 is his sister, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 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 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.

Division of the Award

The Claimant is representing his sister in these proceedings. As she is the actual Account Owner, she is entitled to receive the entire amount of any payment made to the Claimant.

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