

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of H. Schmid

Claim Number: 704324/AZ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED] (the “Claimant”) to the account of Leopold Josef Schmid.² This Award is to the unpublished account of H. Schmid (the “Account Owner”) at the St. Gallen branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his paternal grandmother, Helene Anna (“Fanny”) Schmid, née Kohn, who was born on 13 May 1876 in Gross Tapolcsan, Hungary (now Topolcany, Slovakia), and was married to [REDACTED] on 11 June 1899 in Vienna, Austria. The Claimant indicated that his grandmother was of Jewish ancestry and was therefore considered to be Jewish by Nazi authorities. The Claimant further indicated that his grandparents resided in Vienna and that they had one child, [REDACTED], the Claimant’s father. According to the Claimant, his father was

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an Initial Questionnaire (“IQ”), numbered ENG-0451-099, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 704324. The Claimant submitted an additional IQ, numbered ENG-0451-098, which was also forwarded to the CRT and is registered under the claim number 704323. The CRT treated this claim in a separate determination, dated 26 June 2007.

² The CRT will treat the claim to this account in a separate determination. In a previous decision, the CRT awarded the account of R. Schmid to the Claimant. See *In re Account of R. Schmid* (approved on 23 June 2006).

not allowed to marry his mother, [REDACTED], because of his Jewish ancestry and the Claimant was therefore given his mother's maiden name. The Claimant further indicated that his mother kept him in hiding during the Second World War because she feared that he would be persecuted due to his Jewish heritage.

In support of his claim, the Claimant submitted copies of documents, including: 1) his grandparents' marriage certificate, dated 14 August 1998, indicating that Helene Anna Kohn was married to [REDACTED] on 11 June 1899 in Vienna and that, in 1941, Helene Kohn registered the adoption of the additional first name, "Sara," indicating that she was considered to be Jewish;³ 2) his father's birth certificate, indicating that [REDACTED]'s parents were [REDACTED] and Helene Anna Schmid, née Kohn; 3) part of his father's baptism certificate, indicating that [REDACTED] was baptized on 12 February 1899 and that his mother's parents, [REDACTED] and [REDACTED], née [REDACTED], were both Jewish; 4) his own birth certificate, indicating that his name at birth was [REDACTED], that he was born on 19 December 1940 in Vienna and containing a notation indicating that [REDACTED] acknowledged paternity; and 5) his grandfather's asset declaration, which is described in detail below.

The Claimant indicated that he was born on 19 December 1940 in Vienna.

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. Schmid. The Bank's record does not indicate the Account Owner's domicile.

The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 37233, which was suspended by the Bank on 20 August 1970, at which time it held a balance of 7.20 Swiss Francs ("SF"). The account remains open and dormant.

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 [REDACTED], numbered 17527. These records indicate that [REDACTED] was born on 3 April 1874, that he resided in Vienna and that he was married to Helene Sara Schmid, née Kohn, who was "racially Jewish" ("*der Rasse nach jüdisch*") but who was a practicing Roman Catholic. These records make no mention of assets held in a Swiss bank account.

³ Pursuant to a Nazi decree of 1938, all Jews were required to add the middle names "Sara" or "Israel" to official documents.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the unpublished initial and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her initial and surname. In support of his claim, the Claimant submitted documents, including his grandparents' marriage certificate, his father's birth certificate and his grandfather's 1938 Census assets declaration, providing independent verification that the person who is claimed to be the Account Owner had the same initial and surname recorded in the Bank's record as the initial and surname of the Account Owner. 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 of Jewish ancestry and resided in Austria after its incorporation into the German Reich in March 1938 (the "*Anschluss*"). The Claimant submitted copies of documents, including part of his father's baptism certificate indicating that the Account Owner's parents were Jewish; his grandparents' marriage certificate, indicating that the Account Owner added the Jewish middle name "Sara" to her name; and his grandfather's 1938 Census records, indicating that the Account Owner was Jewish.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. These documents include the Claimant's birth certificate, indicating that his father was [REDACTED], and his father's birth certificate, indicating that the Claimant's paternal grandmother was Helene Anna Schmid. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open and dormant.

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 his grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received 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 SF 7.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 390.00, which reflects standardized bank fees charged to the account between 1945 and 1970. Consequently, the adjusted balance of the account at issue is SF 397.20. 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, to produce a total award amount of 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
31 August 2007