

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹
represented by [REDACTED]

in re Account of Michel Schmid

Claim Number: 204073/MW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].² This Award is to the unpublished account of Michel Schmid (the “Account Owner”) at the [REDACTED] (the “Bank”).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 her brother, Michael Schmid, who was born on 20 January 1923 in Pinsk, Poland. The Claimant indicated that her parents [REDACTED] and [REDACTED], née [REDACTED], were married in approximately 1901, and that they had two children, Michael and [REDACTED] (the Claimant). The Claimant stated that her father owned a hotel on Kostuska Uliza in Pinsk. The Claimant explained that her father, who was Jewish, was killed by the Nazis in July 1941, and that her mother, who was Jewish, perished in a ghetto in 1942. The CRT was unable to determine the fate of the Claimant’s brother. The Claimant indicated that she was born on 27 September 1920 in Pinsk.

¹ The Claimant’s son-in-law, [REDACTED], informed the CRT that the Claimant passed away in 2002.

² The CRT did not locate an account belonging to the Claimant’s relative, [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 her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Information Available in the Bank's Records

The Bank's records consist of an excerpt from the Bank's ledger and a printout from the Bank's database. According to these records, the Account Owner was Michel Schmid. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account was considered dormant by the Bank and was transferred on 30 June 1937 to the Bank's suspense account for dormant assets, where it remains. The amount in the account on the date of the transfer was 62.00 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name substantially matches the unpublished name of the Account Owner.³ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT further notes that there are no other claims to this account. Taking 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's family was Jewish, and that they resided in Nazi-occupied Poland. While the CRT was unable to determine the Account Owner's fate, the Account Owner's mother and father were killed by the Nazis.

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, demonstrating that the Account Owner was the Claimant's brother.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

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 brother, and that relationship justifies an Award.

³ The CRT notes that the Claimant identified her brother's first name as "Michael," while the Bank's records indicate that the Account Owner's first name was "Michel." The CRT finds this discrepancy to be inconsequential.

Third, the CRT has determined that neither the Account Owner nor his 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 records indicate that the value of the account as of 30 June 1937 was SF 62.00. According to Article 29 of the Rules, if the amount in an unknown account 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 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
15 July 2005