

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of R. Schmid

Claim Number: 704324/MBC^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED] (the “Claimant”) to an account of Leopold Josef Schmid.³ This Award is to the unpublished account of R. Schmid (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 to the Court in 1999 identifying the Account Owner as his paternal grandfather, Richard Schmid, who was born on 3 April 1874 in Marchegg, Austria and was married to [REDACTED], née [REDACTED], on 11 June 1899 in Vienna, Austria, where they lived before and during the Second World War. The Claimant indicated that his grandfather was Catholic, and that his grandmother was Jewish, and that they had one child, [REDACTED], the Claimant’s father. According to the Claimant, his parents were unable to marry and his father was evicted from his home because he was Jewish. The Claimant indicated that his mother kept the Claimant in hiding because she feared he would be persecuted because he was considered Jewish.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0451099, 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.

² The Claimant submitted an additional claim, which is registered under the Claim Number 704323. The CRT will treat this claim in a separate determination.

³ The CRT will treat the claim to this account in a separate determination.

In support of his claim, the Claimant submitted documents, including: (1) a copy of his grandparents' marriage certificate, indicating that Richard Schmid and [REDACTED] were married on 11 June 1899 in Vienna; (2) a copy of his father's birth certificate, indicating that [REDACTED]'s parents were Richard Schmid and [REDACTED], and that [REDACTED]'s parents were [REDACTED] and [REDACTED], née [REDACTED], who were Jewish; (3) a copy of his own birth certificate, indicating that he was born on 19 December 1940 in Vienna, and containing a notation that [REDACTED] acknowledged that he was the father; and (4) a copy of Richard Schmid'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 R. Schmid. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated. The Bank's record further indicates that the account was transferred to a suspense account for dormant assets on 17 July 1975, as of which date it had a balance of 8.85 Swiss Francs ("SF"). The account remains suspended.

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 Richard Schmid, numbered 17527. These records indicate that Richard Schmid was born on 3 April 1874, and was married to [REDACTED], née [REDACTED]. These records indicate that Richard Schmid resided at Jedleseerstrasse 78 in Vienna, and that he was a retired railroad employee. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather first initial and surname match the unpublished first 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 his first initial and surname. In support of his claim, the Claimant submitted documents, including his grandfather's marriage certificate and his father's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name 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's spouse was Jewish, that their child was evicted from his home, and that the Account Owner's grandson was kept in hiding for fear of persecution. The CRT further notes that the Account Owner was required to register his assets in the 1938 Census.

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 grandfather. These documents include his father's birth certificate, indicating that [REDACTED]'s parents were Richard and [REDACTED] Schmid, and his own birth certificate, which contains a notation indicating that [REDACTED] acknowledged that he was the father. 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 was transferred to a suspense account, 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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, and that relationship justifies an award. 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 record indicates that the value of the account as of 17 July 1975 was SF 8.85. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 465.00, which reflects standardized bank fees charged to the account between 1945 and 1975. Consequently, the adjusted balance of the account at issue is SF 473.85. 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
23 June 2006