

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Edith Schmidt

Claim Number: 708207/AX¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Edith Schmidt (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 an Initial Questionnaire (“IQ”) to the Court in 1999 identifying the Account Owner as his mother, Edith Schmidt, née Back, who was born on 2 May 1920 in Vienna, Austria, and was married to [REDACTED]. According to the Claimant, his mother resided at Seitenbergasse 69 in Vienna prior to the Second World War. In a telephone conversation with the CRT on 21 October 2004, the Claimant indicated that his mother, who was Jewish, was incarcerated in an institution at Morzinplatz in Vienna while she was pregnant with the Claimant. The Claimant further indicated that after his birth, she lived in hiding until the end of the Second World War. According to the Claimant, his maternal grandmother was killed in Theresienstadt. The Claimant indicated that his mother died on 23 November 1988 in Vienna. In support of his claim, the Claimant submitted his birth certificate, indicating that his mother was Edith Schmidt, and the Claimant’s baptism certificate, indicating that his mother was Edith Schmidt, and that she was Jewish. The Claimant indicated that he was born on 1 September 1944 in Vienna.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered 0003094, 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 708207.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Edith Schmidt. The Bank's records do not show the city or country of residence of the Account Owner. 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 transferred to a suspense account for dormant assets with a balance of 5.20 Swiss Francs ("SF") on 11 November 1987. The Bank's records indicate that the account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of his claim, the Claimant submitted documents, including his birth and baptism certificates, indicating that his mother was Edith Schmidt, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Edith Schmidt, and indicates that her date of birth was 2 May 1920, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his mother, Edith Schmidt, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 incarcerated in an institution at Morzinplatz in Vienna while she was pregnant with the Claimant, and that she was living in hiding after the Claimant was born.

As noted above, a person named Edith Schmidt was included in the CRT's database of victims.

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 mother. These documents include the Claimant's birth certificate and baptism certificate, indicating that his mother was Edith Schmidt. There is no information to indicate that the Account Owner has other surviving heirs.

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 his mother, 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 an unknown type. The Bank's records indicate that the value of the account as of 11 November 1987 was SF 5.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted value of the account at issue is SF 690.20. 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
24 December 2004