

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Adolf Schneider and Irma Schneider

Claim Number: 400643/BW

Award Amount: 238,625.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], to the published account of A. Schneider.¹ This award is to the unpublished accounts of Irma Schneider (“Account Owner Irma Schneider”) at the Zurich branch of [REDACTED] (“Bank 1”), over which Adolf Schneider (“Power of Attorney Holder Adolf Schneider”) held power of attorney, and the published account of Adolf Schneider (“Account Owner Adolf Schneider”) (together the “Account Owners”), over which Irma Schneider (“Power of Attorney Holder Irma Schneider”) (together the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of the [REDACTED] (“Bank 2”) (together “the Banks”).

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 2005 Claim Form identifying the Account Owners as her parents, Adolf Schneider, who was born 10 June 1887 in Radocina, Slovakia, and Irma Schneider, née Reininger, who was born 27 December 1894 in Vienna, Austria. The Claimant stated her parents were married on 21 October 1919 in Vienna. The Claimant stated that her father owned a carpet store in Vienna, located at Kandelgasse 35. The Claimant noted that her father, Adolf Schneider, traveled to Switzerland to open a bank account and that her father had a numbered account with the [REDACTED] in Zurich. The Claimant further noted that her parents, who were Jewish, fled Austria in 1938, traveling first to Antwerp, Belgium, then to Montevideo, Uruguay in 1938 and that in 1940, they moved to New York, the United States, where they lived until her father died in 1947 and her mother died in 1984.

¹ The CRT will treat the Claimant’s claim to this account in a separate determination.

The Claimant submitted a copy of her birth certificate, which indicates that [REDACTED 1] was born on 1 October 1927 in Vienna to Adolf Schneider and his wife Irma Schneider, née Reininger.

The Claimant indicated that she was born on 1 October 1927 in Vienna. The Claimant is representing her brother, [REDACTED 2], who was born on 18 October 1924 in Vienna.

Information Available in the Banks' Records

Bank 1

Bank 1's records consist of a power of attorney form and a signature sample card. According to these records, Account Owner Irma Schneider was *Frau* (Mrs.) Irma Schneider, and Power of Attorney Holder Adolf Schneider was *Herr* (Mr.) Adolf Schneider, who both resided at Kandlgasse 35, Vienna VII, Austria. Bank 1's records indicate that Account Owner Irma Schneider held a demand deposit account and a custody account, and that she granted power of attorney over these accounts on 18 December 1935.

Bank 1's records do not show when the accounts at issue were closed, nor do these records indicate the value of these accounts. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find these accounts in Bank 1's system of open accounts, and they therefore presumed that they were closed. The auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in Bank 1's records that Account Owner Irma Schneider, Power of Attorney Holder Adolf Schneider, or their heirs closed the accounts and received the proceeds themselves.

Bank 2

Bank 2's records consist of a power of attorney form, signed on 30 March 1934, and printouts from Bank 2's database. According to these records, Account Owner Adolf Schneider was *Herr* Adolf Schneider, and Power of Attorney Holder Irma Schneider was *Frau* Irma Schneider, who both resided at Kandlgasse 35, Vienna VII. Bank 2's records indicate that Account Owner Adolf Schneider held an account, the type of which is not indicated. Bank 2's records indicate that the account was closed, but the date of closure is not recorded. The amount in the account on the date of its closure is unknown.

There is no evidence in Bank 2's records that Account Owner Adolf Schneider, Power of Attorney Holder Irma Schneider, or their heirs closed the accounts and received the proceeds themselves.

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 Adolf Schneider, numbered 30962. The file concerning the assets of Adolf Schneider contains the 1938 Census declaration filed by Adolf Schneider on 14 July 1938, and indicates that Adolf Schneider, who was born on 4 June 1887, and resided at Kandlgasse 35 in Vienna VII, was married to Irma Schneider, née Reininger. According to these records, Adolf and Irma Schneider had two children, [REDACTED 2], who was born on 18 October 1924, and [REDACTED 1], who was born on 1 October 1927. These records also indicate that Adolf and Irma Schneider each owned a 50 percent share in a rental property containing apartments and retail stores located at Kaiserstrasse 57 in Vienna VII. The value of each share is listed as 153,475.00 Reichsmark (“RM”), RM 306,946.00 in total. The records further indicate that Adolf Schneider owned a *Teppichhandel* (carpet store) located at Kandlgasse 35 in Vienna VII, with a value of RM 336,453.00. The records further note that Adolf Schneider had a 50 percent ownership interest in *Bacher, Frankel & Co.*, located at Breitenfurterstr. 45 in Vienna XIII, with a value of RM 10,727.00. These records make no mention of assets held in a Swiss bank account.

The CRT’s Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s parents’ names, and city and country of residence match the published names, city and country of residence of the Account Owners. The Claimant identified the Account Owners’ address in Vienna, as well as Account Owner Adolf Schneider’s profession as a carpet merchant and the name of the bank where Account Owner Irma Schneider’s account was held, which matches unpublished information about the Account Owners contained in the Banks’ records.

In support of her claim, the Claimant submitted her birth certificate, which denoted that [REDACTED 1] was born on 1 October 1927 in Vienna to Adolf Schneider and his wife Irma Schneider, née Reininger. This provides independent verification that the persons who are claimed to be the Account Owners had the same name and resided in the same city as recorded in the Banks’ records as the name and city of residence of the Account Owners.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants indicated a different spouse’s name, country of residence, or profession than those indicated in the Banks’ records for Account Owner Adolf Schneider.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and fled Nazi-controlled Austria in 1938, traveling first to Antwerp, Belgium, then to Montevideo, Uruguay in

1938 and then to New York in 1940. The CRT notes that Account Owner Adolf Schneider was required to declare his assets pursuant to the 1938 Census decree.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. These documents include her birth certificate, which indicates that [REDACTED 1] was born on 1 October 1927 in Vienna to Adolf Schneider and his wife Irma Schneider, née Reininger. The CRT also notes that 1938 Census Records indicate that Adolf and Irma Schneider had two children, named [REDACTED 2] and [REDACTED 1]. There is no information to indicate that the Account Owners have surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The auditors who conducted the ICEP Investigation indicated that Account Owner Irma Schneider's accounts at Bank 1 were closed on an unknown date. Bank 2's records indicate that Account Owner Adolf Schneider's account was closed, but the date of closure is not recorded. Given that the Account Owners were forced to flee their homeland; that there is no record of the payment of the Account Owners' accounts to them, nor any record of a date of closure of Account Owner Irma Schneider's accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 Owners or their heirs. 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 and represented party [REDACTED 2]. 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 Owners were her parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Irma Schneider held a demand deposit account and a custody account, and Account Owner Adolf Schneider held an account of unknown type. 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 demand deposit account was 2,140.00 Swiss Francs (“SF”), the average value of a custody account was SF 13,000.00, and the average value of an account of unknown type was SF 3,950.00. Thus, the total 1945 average value of the accounts at issue is SF 19,090.00. 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 SF 238,625.00.

Division of the Award

According to Article 23(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her brother [REDACTED 2], the son of the Account Owners. Accordingly, the Claimant and represented party [REDACTED 2] are each entitled to one-half of the total award amount.

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
23 February 2006