

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Gustav Schneider

Claim Number: 501137/KG¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Gustav Schneider (the “Account Owner”) at the Lugano 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 a Claim Form identifying the Account Owner as her father, Gustav (Gustaw) Schneider, who was born on 30 October 1904 in Krakow, Poland, and was married to [REDACTED] on 10 September 1933 in Krakow. In a telephone conversation with the CRT on 13 January 2005, the Claimant stated that she and her parents, who were Jewish, fled Krakow following the Nazi invasion of Poland in 1939. According to the Claimant, her family fled to Brzezany, which until 1939 was part of Poland but in that year became part of the Union of Soviet Socialist Republics (the “USSR”). The Claimant further stated that in Brzezany, her family registered to return to Krakow, but the Soviet troops occupying the region instead sent them to Siberia, USSR, where they lived until 1941. The Claimant indicated that, in that year, her family moved to Uzbekistan, USSR, before returning to Krakow at the end of the Second World War. The Claimant stated that her father died on 6 February 1986 in Sydney, Australia and that her mother died on 7 May 2001 in Sydney.

In support of her claim, the Claimant submitted the following documents: Gustaw and [REDACTED] Schneider’s marriage certificate, which shows that they were married on 10 September 1933 in Krakow; the Claimant’s birth certificate, which shows that she was born on 10 June 1934 to Gustaw Schneider and [REDACTED], née [REDACTED]; her father's identity card dated 16 March 1949, which documents that he was born on 30 October 1904; her father's

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 601330. The CRT will treat the claim to this account in a separate decision.

certificate of naturalization as an Australian citizen dated 16 December 1955; her father's last will and testament dated 22 December 1959, in which he bequeathed the whole of his estate to his wife, [REDACTED]; her father's Australian passport dated 26 July 1977; and her father's death certificate, which states that he passed away on 6 February 1986 and which shows that the Claimant, [REDACTED], was his only child.

The Claimant stated that she was born on 10 June 1934 in Krakow.

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 Gustav Schneider. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated. The Bank's record also indicates that the account was considered dormant by the Bank and was transferred to the Bank's suspense account for dormant assets on an unknown date. The balance of the account on the date of the transfer was 11.00 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name 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 name.

In support of her claim, the Claimant submitted various documents, including her father's marriage and death certificates; her father's Australian certificate of naturalization and passport; her father's identity card; and her father's will, 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.

The CRT notes that the name Gustav Schneider appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that there were no other claims to this account. Taking all 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 and that he fled Nazi-occupied Poland for the USSR in 1939.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate which shows that her father was Gustav Schneider, and Gustav Schneider's death certificate which shows that the Claimant was his only child. 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 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, 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.

The CRT notes that the Claimant submitted her father's will, showing that the Claimant's mother, who died in 2001, was entitled to Gustav Schneider's entire estate. The Claimant did not submit her mother's will. According to Article 23 (2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, which is the case here, the CRT may use general principles of distribution to make allowances for any missing links in the chain, consistent with principles of fairness and equity. Thus, as the Account Owner's only child, the Claimant is entitled to the full amount of the award.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the balance of the account was SF 11.00. 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. 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
9 March 2005