

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

and to Claimant [REDACTED 3]

## **in re Account of Josef Schneider**

Claim Numbers: 202450/NB;<sup>1</sup> 206347/NB;<sup>2</sup> 751029/NB<sup>3</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Josef Schneider; and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the accounts of Dawid Schneider and Bronislawa Schneider.<sup>4</sup>

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<sup>1</sup> In a separate decision, the CRT awarded the accounts of *Kleiderfabrik Josef Schneider* to [REDACTED 1] (“Claimant [REDACTED 1]”). See *In re Account of Kleiderfabrik Josef Schneider* (approved on 30 May 2007). In another decision, the CRT treated Claimant [REDACTED 1]’s claim to the accounts Josef Schneider [Dachau, Germany] and Josef Schneider [Füssen, Germany] published 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”), as well as the account of Josef Schneider published on the List of Account Owners Published in 2005 (the “2005 List”). See *Claimed Account Owner: Josef Schneider* (approved on 5 April 2007).

<sup>2</sup> In a separate decision, the CRT awarded the accounts of Marcel Schneider to [REDACTED 3] (“Claimant [REDACTED 3]”). See *In re Account of Marcel Schneider* (approved on 23 June 2008).

<sup>3</sup> [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-I-80-625-122-903, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 2]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 751029. In a separate decision, the CRT treated Claimant [REDACTED 2]’s claim to the accounts Josef Schneider [Dachau, Germany] and Josef Schneider [Füssen, Germany] published on the February 2001 ICEP List, as well as the account of Josef Schneider published on the 2005 List. See *Claimed Account Owner: Josef Schneider* (approved on 30 May 2007).

<sup>4</sup> The CRT did not locate an account belonging Dawid Schneider or Bronislawa Schneider in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

This Award is to the published account of Josef Schneider (the “Account Owner”) held at the Veltheim 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 2] and Claimant [REDACTED 1]

Claimant [REDACTED 2] and his son, Claimant [REDACTED 1], submitted similar Claim Forms identifying the Account Owner as Claimant [REDACTED 2]’s maternal uncle and Claimant [REDACTED 1]’s great-uncle, Josef Schneider, who resided in Munich Germany. Claimant [REDACTED 2] and Claimant [REDACTED 1] stated that their relative, who was Jewish, had a sister, [REDACTED], née [REDACTED], who was Claimant [REDACTED 2]’s mother and Claimant [REDACTED 1]’s grandmother. They explained that their relative owned a coat factory, *Kleiderfabrik Josef Schneider*, which was located at either Arnulfstrasse 16 or Aberiestrasse 1 in Munich, that their relative was arrested on 7 March 1933, and that on 10 March 1933, he died from injuries sustained after being severely beaten by the Nazis.

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 1] submitted copies of: (1) a company postcard, postmarked in 1933, indicating that Josef Schneider owned a coat factory, *Kleiderfabrik Josef Schneider*, which was located at Arnulfstrasse 16 in Munich, and (2) a printed advertisement for the company, including its letterhead, issued in October 1932, indicating that Josef Schneider owned a coat factory, *Kleiderfabrik Josef Schneider*, which was located at Aberlestrasse 1 in Munich.

Claimant [REDACTED 2] indicated that he was born on 30 April 1911, and Claimant [REDACTED 1] indicated that he was born on 1 February 1963 in Manhasset, New York, the United States.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999 asserting his entitlement to a Swiss bank account owned by Josef Schneider.

#### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his paternal grandfather, Josef Schneider. Claimant [REDACTED 3] explained that his grandfather, who was Jewish, was married to [REDACTED], and that they had a son, [REDACTED] (Claimant [REDACTED 3]’s father) who was born on 18 November 1892, in Rava-Ruska, Poland (now the Ukraine). Claimant [REDACTED 3] did not indicate the exact fate of his grandfather. However, in a telephone conversation with the CRT, Claimant [REDACTED 3] stated that his brother [REDACTED] was deported on 13 March 1943 to Auschwitz, where he perished in August of that same year. Claimant [REDACTED 3] explained that his mother,

[REDACTED], née [REDACTED], and his sister, [REDACTED], who was born on 10 November 1925, perished in Belzec on 29 October 1942, and that his father perished in Buchenwald on 8 April 1945. Claimant [REDACTED 3] stated that his older brother, [REDACTED], who was born on 24 May 1922 in Krakow, died in Lwow, Poland.

In support of his claim, Claimant [REDACTED 3] submitted copies of documents, including his birth certificate, dated 1 August 1924, indicating that [REDACTED 3] was born on 24 July 1924 in Krakow to [REDACTED] and [REDACTED], née [REDACTED], and a payment order, issued on 18 July 1968 by the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*), indicating that [REDACTED 3] (formerly [REDACTED]) was to receive compensation for the jewelry that was taken from his mother, [REDACTED], née [REDACTED], in 1942 in Krakow.

Claimant [REDACTED 3] indicated that he was born on 24 July 1924 in Krakow.

Claimant [REDACTED 3] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED].

### **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 Josef Schneider. The Bank's records do not indicate the Account Owner's place of residence.

The Bank's records further indicate that the Account Owner held an account, the type of which is not indicated, which was opened in 1926, and was transferred to a suspense account on 10 May 1978, when it contained a balance of 37.65 Swiss Francs ("SF").

The Bank's records indicate that the account remains suspended.

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

#### Identification of the Account Owner

The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

*Claimant [REDACTED 2] and Claimant [REDACTED 1]*

Claimant [REDACTED 2] and Claimant [REDACTED 1] have plausibly identified the Account Owner. Their relative's name matches the published name of the Account Owner.

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 1] submitted documents, including a company postcard, postmarked in 1933, as well as a printed advertisement for the company, including its letterhead, issued in October 1932, indicating that Josef Schneider owned a coat factory, *Kleiderfabrik Josef Schneider*, 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.

Furthermore, the CRT notes that Claimant [REDACTED 2] and Claimant [REDACTED 1] submitted an ATAG Ernst & Young claim form in 1998, and an IQ with the Court in 1999 respectively, asserting their entitlement to a Swiss bank account owned by Josef Schneider 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 Claimant [REDACTED 2] and Claimant [REDACTED 1] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2] and Claimant [REDACTED 1].

*Claimant [REDACTED 3]*

Claimant [REDACTED 3] has plausibly identified the Account Owner. His paternal grandfather's name matches the published name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 3] in 1999, which indicates that [REDACTED] was the son of Joseph Schneider and [REDACTED], née [REDACTED], which matches the information about the Account Owner provided by Claimant [REDACTED 3]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Furthermore, the CRT notes that Claimant [REDACTED 3] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 3] 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 surname as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3].

Finally, the CRT notes that the Claimants' relatives are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in these records which

would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.<sup>5</sup>

#### Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 2] and Claimant [REDACTED 1] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. They stated that the Account Owner was Jewish, that he resided in Nazi-Germany, that he was arrested on 7 March 1933, and that he died on 10 March 1933 of injuries sustained during a beating by the Nazis.

The CRT notes that Claimant [REDACTED 3] did not provide information about the fate of his grandfather. However, the information available to the CRT indicates that he was Jewish and that he would have been approximately 67 years of age in 1939, when Nazi Germany invaded Poland. The CRT therefore considers it plausible that he would have been alive during Poland's occupation by the Nazis. The CRT also notes that Claimant [REDACTED 3]'s grandfather's son and heir, [REDACTED] (Claimant [REDACTED 3]'s father), was a Victim of Nazi persecution. Claimant [REDACTED 3] indicated that his father, who was Jewish, perished in Buchenwald on 8 April 1945. As noted above, a person named [REDACTED], the son of Joseph Schneider, was included in the CRT's database of victims.

#### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner.

The Claimants submitted specific biographical information demonstrating that the Account Owner was Claimant [REDACTED 2]'s maternal uncle, Claimant [REDACTED 1]'s great-uncle, and Claimant [REDACTED 3]'s paternal grandfather.

There is no information to indicate that the Account Owner has other surviving heirs.

Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms

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<sup>5</sup> As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, and/or nationality. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the opening date and the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was suspended on 10 May 1978, and that it remains suspended.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 2]'s maternal uncle, and Claimant [REDACTED 3]'s paternal grandfather, and these relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 2], as the Account Owner's nephew, has a better entitlement to the account than his son, Claimant [REDACTED 1], the Account Owner's great-nephew.

### Amount of the Award

The Bank's records indicate that the value of the account of unknown type as of 10 May 1978, was SF 37.65. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 510.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1978. Consequently, the adjusted balance of the account at issue is SF 547.65. 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 29 of the Rules, 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.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the Account Owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the Account Owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 2] and Claimant [REDACTED 3] are each entitled to one-half of the Award Amount.

As previously noted, Claimant [REDACTED 1] is not entitled to share in the Award Amount.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
29 September 2009