

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Friedrich Schonbach

in re Accounts of Leo Schönbach

Claim Number: 212868/MW¹

Award Amount: 95,750.00 Swiss Francs

This Certified Award is based upon the claim of Friedrich Schonbach (the “Claimant”) to the published accounts of Leo Schönbach (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his father, Eduard Leo Schönbach, who was born on 20 March 1891 in Lemberg, then Austria-Hungary, and was married to Flora Schönbach, née Weisskopf, on 14 January 1919 in Vienna, Austria. According to the Claimant, his father was a partner at *Mendl and Schönbach*, which was a textile manufacturing firm in Vienna. The Claimant explained that his father, who was Jewish, lived at Riglerstrasse 5 in Vienna until 1939, when he fled to Italy. The Claimant stated that his father resided in Italy until 1940, and then moved to Buenos Aires, Argentina, where he lived until 1962. According to the Claimant, he was a student at the *Institut Schmidt* located in St. Gall, Switzerland, and recalls visiting a bank in Zurich on several occasions in 1938 and 1939 where he spoke to a customer representative named Mr. Fournier. In a telephone conversation with the CRT on 4 December 2003, the Claimant indicated that he was the power of attorney holder over one of his father’s accounts, and that he closed an account on his father’s behalf in approximately 1940 while he was in the United Kingdom. The Claimant stated that his father died on 18 November 1973 in Vienna. In support of his claim, the Claimant submitted his own birth certificate, which indicates that his parents were Leo Schönbach and Flora Weisskopf, and that the Claimant was born in Vienna; and his parents’ death certificates, which indicate that they both lived in Vienna. The Claimant indicated that he was born on 1 July 1920 in Vienna.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 212834 and 212868. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 212688.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Leo Schönbach, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held three demand deposit accounts and a safe deposit box, numbered 543. The Bank's record further indicates that the three demand deposit accounts were all closed on 31 August 1939, and the safe deposit box was closed on 4 May 1939. The amount in the accounts on the date of their closures is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archives

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 Eduard Leo Schönbach, numbered 26897. According to these records, Eduard Leo Schönbach was married to Flora Schönbach, née Weisskopf, and resided at Riglerstrasse 5/4. They further show that Eduard and Flora Schönbach had one child, Friedrich, and that Eduard Leo Schönbach was the owner of one-third of the company, *Mendl & Schönbach*, which was "aryanized." Regarding Eduard Leo Schönbach's assets, his 1938 Census declaration shows that that he declared business assets, worth approximately 73,000.00 Reichsmark ("RM"), bonds worth approximately RM 2,600.00, as well as insurance policies worth approximately RM 6,000.00. The records also contain two "flight tax" (*Reichsfluchtsteuer*) assessments, dated 25 January 1939 and 15 February 1939. The first assessment indicates that Eduard Leo Schönbach's total assets were worth approximately RM 95,000.00; this figure was revised downward in the later assessment, which puts Eduard Leo Schönbach's assets at approximately RM 76,000.00, of which approximately RM 19,000.00 were earmarked for "flight tax." The 1938 Census records also contain a warrant of seizure, issued on 25 February 1941, indicating that all assets belonging to Eduard, Flora and Friedrich Schönbach were to be seized. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his father's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents, including his own birth certificate, which indicates that his parents were Leo Schönbach and Flora Weisskopf, and that the Claimant was born in Vienna; and his parents' death certificates, which indicate that they both lived in Vienna. These documents provide independent verification that the person who is claimed to be the Account Owner had the same

name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to these accounts.

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 from Austria to Italy in 1939. The CRT notes the Austrian State Archive contain a 1938 Census asset declaration completed by Eduard Leo Schönbach

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 father. These documents include his own birth certificate, which indicates that his parents were Leo Schönbach and Flora Weisskopf, and that the Claimant was born in Vienna. The CRT notes that the information contained in the Austrian State Archive indicated that the Account Owner had a son named Friedrich. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Claimant indicated that he was the Power of Attorney Holder over a Swiss bank account owned by his father and that the Claimant closed this account in 1940. Given that the accounts in question were all closed before 1940, the CRT concludes that the account to which the Claimant referred is not the same account as any of the accounts referred to in the Bank's record.

In this case, the Bank's record indicates that the Account Owner held three demand deposit accounts that were all closed on 31 August 1939, and a safe deposit box, numbered 543, that was closed on 4 May 1939. Given that the Account Owner lived in Austria until he fled in 1939, and therefore could not have repatriated the accounts without losing ultimate control over its proceeds; that the 1938 Census assets declaration contains a warrant of seizure, indicating that all assets of Eduard, Flora, and Friedrich Schönbach were to be seized; and given the application of Presumptions (a)(ii), (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 Owner or his 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. 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 Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held three demand deposit accounts and one safe deposit box. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”) and the average value of a safe deposit box was SF 1,240.00. Thus, the total 1945 average value of the accounts at issue is SF 7,660.00. 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 95,750.00.

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
28 September 2004