

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Frieda Schrenzel and Marie Perl**

Claim Number: 222324/AK

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Frieda Schrenzel (“Account Owner Schrenzel”) and Marie Perl (“Account Owner Perl”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).<sup>1</sup>

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 Account Owner Schrenzel as his paternal relative, Frieda (Frida) Schrenzel, who was born in Skalat, Poland (today the Ukraine). According to the Claimant, Frieda Schrenzel was either the sister or cousin of his father, [REDACTED], who was born in Skalat on 8 December 1894, and who later moved to Germany in 1919. The Claimant stated that Frieda Schrenzel, who was Jewish, resided in Poland and later in Austria. The Claimant stated that his father, [REDACTED], had eleven siblings, and that he mentioned the name Frieda when talking about his relatives. The Claimant also stated that his family fled Germany in 1936 after his father witnessed Jews being tortured, and that they emigrated to the Dominican Republic. The Claimant finally stated that his father never talked to him in detail about their relatives, and that he does not remember any details about Frieda Schrenzel. The Claimant submitted a copy of his driver’s license, indicating that his surname is Schrenzel. The Claimant indicated that he was born on 10 April 1921 in Hamburg, Germany.

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<sup>1</sup> The CRT notes that, 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”), Frieda Schrenzel is indicated as having two accounts, Frida Schrenzel is indicated as having two accounts, and Marie Perl is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only two accounts, which were jointly held by Frieda (Frida) Schrenzel and Marie Perl.

## **Information Available in the Bank's Records**

The Bank's records consist of two customer cards. According to these records, the Account Owners were *Frau* (Mrs.) Frieda (or Frida) Schrenzel and *Frau* Marie Perl, who resided in Vienna, Austria. The Bank's records indicate that the Account Owners held one demand deposit account, which was closed on 20 February 1939, and one custody account, numbered 58144, which was closed on 17 September 1940. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's records that the Account Owners 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 Frieda Schrenzel, numbered 45501, and Marie Perl, numbered 44164. These documents indicate that Frieda Schrenzel and Marie Perl were sisters, and that they resided together at Mechitaristengasse 8 in Vienna. The records show that both women were widows and Polish nationals and that Marie Perl was born on 20 October 1870, and Frieda Schrenzel was born on 11 February 1878. According to these documents, Marie Perl owned securities worth RM 18,771.41, part of which were held at the *Creditanstalt* in Vienna and part at the *Deutsche Bank* in Berlin. She further held a bank deposit of RM 6,213.15 at the *Creditanstalt*. Frieda Schrenzel's asset declaration shows that she owned securities worth RM 10,513.00, which were held at the *Deutsche Bank* in Berlin. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant's relative's name and country of residence match the published name and country of residence of Account Owner Schrenzel. The Claimant identified Account Owner Schrenzel's nationality, which matches information about Account Owner Schrenzel contained in the 1938 Census records. The CRT notes that the Claimant did not identify Account Owner Perl. However, the Claimant stated that his father had many siblings and that the family was Polish, which is consistent with information about Account Owner Perl contained in the 1938 Census records. The CRT finally notes that the other claims to these accounts were disconfirmed because these claimants provided different first names, and/or countries of residence, and/or birth dates than the first names, city and country of residence, and birth dates of the Account Owners. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as a Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Schrenzel was a Victim of Nazi Persecution. The Claimant stated that Account Owner Schrenzel was Jewish, and that she resided in Austria. The 1938 Census records show that the Account Owners were required to register their assets in the 1938 Census because they were Jewish. Moreover, the Claimant stated that his family fled Germany in 1936.

### The Claimant's Relationships to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific biographical information, demonstrating that the Account Owners were the sisters or cousins of the Claimant's father. This information includes the nationality of Account Owner Schrenzel. The CRT notes that the Claimant identified information about the Account Owners as contained in the 1938 Census records. The CRT further notes, that although the Claimant did not specifically identify Account Owner Perl, the 1938 Census records indicate that the Account Owners were sisters. The CRT further notes that the Claimant submitted a copy of his driver's license, which provides independent verification that the Claimant bears the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Schrenzel was known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owners, as he has asserted in his Claim Form. There is no information to indicate that the Account Owners have other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owners resided in Nazi-controlled Austria and that they reported their assets in the 1938 Census; that there is no record of the payment of the Account Owners' accounts to them; 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. 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 the sisters or cousins of the Claimant's father, and those relationships justify an Award. Third, the CRT has determined that

it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owners held one custody account and one demand deposit account. 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 custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

### **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  
30 November 2005

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