

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Leo Schuetz

Claim Number: 004258/EZ

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Leo Schuetz (the “Account Owner”) at the Luzern 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 and an Initial Questionnaire identifying the Account Owner as her father, Leon Schütz (or Schuetz), who was Jewish and was born on 23 October 1904 in Chernowitz-Bukowina, the Ukraine. He married [REDACTED], née [REDACTED], on 17 January 1936, in Chernowitz-Bukowina. The Claimant stated that her father owned a jewelry workshop named *Schütz & Belf* in Chernowitz-Bukowina, the Ukraine, until 1941, when he was deported with his wife to Transnistria concentration camp. The Claimant stated that both of her parents survived the Holocaust, and in 1946 moved to Romania, where the Claimant was born in 1948. The Claimant further stated that in 1962 her family immigrated to Israel, where her father died on 15 April 1986 and her mother died on 7 June 1992.

The Claimant further stated that the Account Owner’s parents were [REDACTED] and [REDACTED], and that she was the Account Owner’s only child and that she was born 23 March 1948.

¹ The Claimant provided her name and her relatives’ names only in Hebrew characters in her claim form and Initial Questionnaire. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the claim form and Initial Questionnaire with names contained in the Banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

Information Available in the Bank Records

The bank records consist of a printout from the Bank's database. According to these records, the sole Account Owner was Leo Schuetz, who held an account of an unknown type. The bank records do not indicate when the account was opened, but do indicate that on an unknown date the account was transferred to a suspense account, which is a grouping of open and dormant accounts. These records show that on 11 May 1956 the account balance was 45.50 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name substantially matches the published name of the Account Owner. Although the claimed Account Owner's name is Leon Schütz and the Account Owner's name is Leo Schuetz, in the circumstances of this case, the CRT concludes that the difference is due to a typographical error.

Moreover, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Leon Schütz, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her present claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears a similar name to her father's, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Furthermore, the CRT notes that there are no other claims to this account.

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 was deported to Transnistria concentration camp in 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including a copy of her identity card and her family tree, demonstrating that she is the Account Owner's daughter. There is no information to indicate that the Account Owner has other surviving heirs. The credibility of other information provided by the Claimant gives the CRT no basis to question the veracity of this information concerning her relationship to the Account Owner.

The Issue of Who Received the Proceeds

The bank records indicate that the account remains open and dormant.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account at issue as of 11 May 1956 was 45.50 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Initial Payment

Article 37(3)(a) of the Rules, provides that where the value of an Award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 65% of the Certified Award, and the Claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 65% of the total award amount is 30,810.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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
December 31, 2002