

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
represented by [REDACTED 2]

in re Account of Claire Schwalbe

Claim Number: 220647/WI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Klara Braunstein.² This Award is to the unpublished account of Claire Schwalbe (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).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 his sister, Clara Schwalb, née Braunstein, who was born in 1912 in Botosani, Romania. The Claimant indicated that his sister was Jewish, and that they had five other siblings. According to the Claimant, their parents, [REDACTED] and [REDACTED], owned a shoe and clothing factory in Botosani, and they traveled to Switzerland in the 1930s, when they opened a bank account to safeguard the family’s assets. In additional correspondence with the CRT, the Claimant’s son and representative, [REDACTED 2], stated that his father died on 9 September 2001. In a telephone conversation with the CRT, the Claimant’s son stated that his aunt, Klara Schwalb was married to [REDACTED]. The Claimant’s son also stated that his aunt’s husband was an accountant, and that they lived in Bucharest, Romania, prior to the Second World War. Finally, the Claimant’s son stated that during the Second World War his aunt was forced to perform slave labor. The Claimant’s representative indicated that in the 1970s, his aunt left Romania and emigrated to Israel. The Claimant’s representative indicated that his aunt had a son, [REDACTED], who is not represented in this claim.

¹ In a letter dated 18 May 2006, [REDACTED 2] informed the CRT that his father, Claimant [REDACTED 1] (“the Claimant”) passed away on 9 September 2001, and forwarded a copy of the Claimant’s death certificate to the CRT.

² In a separate decision, approved on 6 August 2007, the CRT treated the Claimant’s claim to accounts belonging to Zeilic Braunstein and Klara Braunstein.

The Claimant submitted copies of documents including: (1) his own birth certificate, indicating that [REDACTED 1] was born on 16 August 1919 in Botosani to [REDACTED] and [REDACTED]; (2) a document, dated 17 January 1945, indicating that [REDACTED], who was the son of [REDACTED], was of Jewish descent; (3) a document issued by the Annuity's Authority of the city of Bucharest, indicating that [REDACTED 1] performed forced labor between 1 January 1941 and 23 August 1944; and (4) a document, dated 24 September 1990, approving his repatriation to Israel. The Claimant's son submitted copies of documents including his father's death certificate, indicating that [REDACTED 1] passed away on 9 September 2001 in Bucharest.

The Claimant indicated that he was born on 16 August 1919 in Botosani.

Information Available in the Bank's Record

The Bank's record consists of a list of suspended accounts. According to this record, the Account Owner was *Mme.* (Mrs.) Claire Schwalbe. The Bank's record does not indicate 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 records indicate that the account was considered dormant by the Bank and was suspended on 31 December 1940. The amount in the account on the date it was suspended was 89.75 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's sister's name substantially matches the unpublished name of the Account Owner,³ and the Claimant's sister's marital status matches the unpublished form of address (*Mme.*, or Mrs.) of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name and form of address.

The CRT notes that there are no other claims to this account. Taking all of 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, that she resided in Nazi-allied Romania and that she was forced to perform slave labor.

³ The CRT notes that names Claire and Clara are variations of the same name and often are used as each other's alternative. Furthermore, the CRT notes that the Claimant indicated that his sister's surname was spelled Schwalb, not Schwalbe as indicated in the Bank's record. The CRT determines that this minor spelling discrepancy does not materially affect the plausibility of the Claimant's identification of the Account Owner.

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, demonstrating that the Account Owner was the Claimant's sister. The CRT notes that the Claimant identified the Account Owner's name, even though it was not published.

The CRT notes that the Claimant's representative indicated that the Account Owner had a son, but that because he is not represented in the Claimant's claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

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

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his sister, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 31 December 1940 was SF 89.75. 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 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
19 December 2007