

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Therese Schwartz

Claim Number: 208524/MO, 600117/MO¹

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 [REDACTED].² This Award is to the account of Therese Schwartz (the “Account Owner”) at 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 to the Holocaust Claims Processing Office (“HCPO”) in December 1997, a claim to the CRT, and an Initial Questionnaire identifying the Account Owner as her paternal aunt, Terezia (Terry) Schwartz, née [REDACTED], who was Jewish and was born in approximately 1896 near Budapest, Hungary, and was married to [REDACTED]. The Claimant stated that Terezia and [REDACTED] Schwartz resided at Baros Utca, Budapest and operated a successful jewelry and watch making business there. According to the Claimant, her aunt did not have any children. The Claimant indicated that she is the daughter of [REDACTED], who was the brother of [REDACTED]. The Claimant further indicated that she lived with her aunt and uncle during 1942 and 1943, and that her aunt and uncle were deported from Budapest in 1944 to an unknown destination and were never heard from again. In her HCPO claim form, the Claimant indicated that she was in a Swiss safe house in Budapest, subsequently in the Budapest ghetto, and then a forced laborer before escaping. The Claimant asserted that her uncle mentioned owning a Swiss bank account.

¹ The Claimant submitted a claim, numbered B-00495, on 22 December 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600117/MO.

² The CRT will treat the claim to this account in a separate decision.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 and an HCPO claim form in December 1997, asserting her entitlement to a Swiss bank account owned by [REDACTED] and Terezia Schwartz. The Claimant stated that she was born on 21 May 1924 in Kisvarda, Hungary.

Information Available in the Bank Record

The bank record consists of an extract from the Bank's ledger. According to this record, the Account Owner was Mrs. Therese Schwartz. The bank record indicates that the Account Owner held an account of unknown type, numbered 60292. The bank record does not show when the account at issue was opened, but there is an indication that in June 1949 the account was closed and taken into bank profits. The amount in the account on the date of its closure was 4.00 United States Dollars.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her aunt's name matches the published name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, any additional information provided by the Claimant about her relative cannot be compared with the bank information.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an HCPO claim form in 1997, asserting her entitlement to a Swiss bank account owned by Terezia Schwartz, 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 the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, 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. The also CRT notes that there are no other claims filed 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 that she and her husband appears to have perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account as of June 1949 was 4.00 United States Dollars, which was equal to 17.16 Swiss Francs, according to the exchange rate at that time. According to Article 35 of the Rules, if the amount in an account of unknown type 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 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

In this case, the Claimant is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

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

January 28, 2003