

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hugo Schwizer

Claim Number: 703578/MI¹

Award Amount: 11,635.13 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of *H. Schwitzer & Söhne*.² This Award is to the unpublished account of Hugo Schwizer at the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his paternal grandfather, Hugo Schwitzer, who was born in Vienna, Austria, and was married to [REDACTED]. The Claimant indicated that his grandfather, who was Jewish, owned a wholesale grain distribution company, *H. Schwitzer & Söhne*, which was located at Taborstrasse 17 in Vienna and distributed grain all across Europe. The Claimant indicated that the Nazis confiscated his grandfather’s business and all of its assets in 1938, after the incorporation of Austria into the German Reich in March 1938 (the “*Anschluss*”). In a telephone conversation with the CRT on 1 March 2007, Claimant further stated that his family used several spelling variations for their surname, including Schwyzer and Schwizer.

¹ George Schwyzer (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0292112, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 703578.

² The CRT did not locate an account belonging to *H. Schwitzer & Söhne* in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant submitted a copy of his father's birth certificate, indicating that [REDACTED] was born on 29 November 1902 in Vienna and that his parents were Hugo Schwitzer and [REDACTED]; and a copy of a letter written on the family company's letterhead, indicating that *H. Schwitzer & Söhne* was located at Taborstrasse 17 in Vienna.

The Claimant indicated that he was born on 11 December 1947 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of an excerpt from a list of account owners that was prepared by the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"). According to this record, the Account Owner was Hugo Schwitzer. This record does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held a savings/passbook account, numbered 1777. The auditors indicated that the amount in the account as 1999 was 5.81 Swiss Francs ("SF"). The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the unpublished name of the Account Owner. The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted a copy of his father's birth certificate and a letter written on company letterhead, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the auditor's report as the name of the Account Owner. 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 he resided in Nazi-controlled Austria, and that his business and all of its assets were confiscated by the Nazis in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified the unpublished name of the Account Owner as contained in the auditor's report. The CRT further notes that the Claimant submitted a copy of his father's birth certificate and a letter written on company letterhead, which provides independent verification that the Claimant's relatives bore substantially 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 the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The auditor's report indicates 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 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that the value of the savings/passbook account as of 1999 was SF 5.81. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 930.81. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,635.13.

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
23 April 2007