

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant William Walter Sheldon
also acting on behalf of John Walter Sheldon

in re Account of Gertrud Silbergleit

Claim Number: 402260/RS

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of William Walter Sheldon (the “Claimant”) to the published account of Gertrud Silbergleit (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal great-grandmother, Gertrud Emilie Silbergleit, née Hepner, who was born on 20 November 1886 in Schrimm, Posen, Germany (today Śrem, Poland) to Wilhelm and Rose Hepner, and was married to Dr. Hermann Ludwig Silbergleit. The Claimant stated that Gertrud Silbergleit and her husband, who were both Jewish, had one child, the Claimant’s paternal grandfather, Walter Ludwig Hermann Silbergleit, who was born on 21 February 1911. According to the Claimant, the family resided in Berlin, Germany, until Gertrud Silbergleit and her husband divorced some time in the 1930s; in 1938, Gertrud Silbergleit fled Nazi persecution in Germany and settled in Switzerland, where her brother, Fritz Jacob Hepner, was also living. The Claimant explained that Gertrud Silbergleit’s son Walter Silbergleit fled Germany for the United States, and that he changed his surname to Sheldon upon arrival in the United States.

The Claimant stated that Gertrud Silbergleit lived at Seefelderstrasse 114 in Zurich, Switzerland in the year 1940; by 1945, she had left Switzerland to settle in Boston, the United States.

According to the Claimant, Gertrud Silbergleit’s sister, Minna, née Hepner, remained in Germany and was deported to Auschwitz in 1943.

In support of his claim, the Claimant submitted copies of:

- (1) the United States Certificate of Naturalization of his great-grandmother, issued in 1947, indicating that Gertrud Emilie Hepner was divorced and that her former nationality was German by way of marriage, and containing her signature;
- (2) the United States Certificate of Naturalization of his grandfather, issued in 1942, indicating that Walter Herman Sheldon was a former German citizen;
- (3) a letter from the Department of Pathology at Harvard Medical School dated 11 December 1940, indicating that Dr. Walter Sheldon was a pathologist in the Department, and that he was attempting to sponsor his mother, Gertrud Hepner, who was residing on that date at Seefelderstrasse 114, Zurich, in her application for American residency;
- (4) the Claimant's grandfather's birth certificate, indicating that Walther Ludwig Hermann Silbergleit was born on 21 February 1911 in Berlin-Charlottenburg, Germany, and that his parents were Dr. Hermann Silbergleit and Gertrud Silbergleit, née Hepner, both of whom resided in Berlin-Charlottenburg;
- (5) the Claimant's father's birth certificate, indicating that John Walter Sheldon was born on 30 June 1944, and that his parents were Walter Herman Sheldon, who was born in Berlin, Germany, and Marjorie Morton;
- (6) the Claimant's own birth certificate, indicating that William Walter Sheldon was born on 26 June 1970 in Baltimore, and that his parents were John Walter Sheldon and Elizabeth Haines;
- (7) the certificate of death of Gertrude Hepner, indicating that she was born on 20 November 1886 in Germany, that she was a widow, and that she died on 9 May 1968 in Baltimore; and
- (8) a certificate of name change issued by the Commonwealth of Massachusetts, indicating that Walther Ludwig Hermann Silbergleit of Boston changed his name legally to Walter Herman Sheldon as of 17 March 1939.

The Claimant indicated that he was born on 26 June 1970 in Baltimore, the United States. The Claimant is representing his father, John Walter Sheldon, who was born on 30 June 1944 in Atlanta, the United States.

Information Available in the Bank's Record

The records for the Account Owner's account at the Bank were obtained from the Archive of the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*) and are described in detail below.¹

Information Available from the German Archival Records

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

¹ These documents have since been moved to the Federal Office for Central Services and Unresolved Property Issues, Restitution Archive: Documents from the Nazi Era (*Bundesamt für zentrale Dienste und offene Vermögensfragen, Rückerstattungsarchiv: Archivalien aus der NS-Zeit*).

to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Archive of the Regional Tax Office in Berlin (*Oberfinanzdirektion Berlin*), there are documents concerning the assets of Gertrud Silbergleit, numbered 922/5045.

According to these records, Gertrud Silbergleit, née Hepner, indicated that she was born on 25 [sic] November 1886, and that she was divorced. She also indicated that she had been a resident of Berlin before moving to Switzerland; that as of 30 July 1938, the date on which she signed her census record, she was residing with a friend in Brienz, Switzerland, but had been previously residing in Zurich; and that in February 1939 she was residing in Zurich at Seefeldstrasse 114.

In her asset registration, Gertrud Silbergleit indicated that she had inherited unnamed securities with a total value of 52,990.60 Reichsmark (“RM”) from her late father, Wilhelm Hepner, who resided in Berlin. She also indicated that her sister, Minna (“Minnie”) Bon, née Hepner, of Berlin, owed her a debt.

The records indicate that Gertrud Silbergleit was assessed atonement tax (*Judenvermögensabgabe*) in the amount of RM 1,400.00 by Nazi authorities; in November 1939, her legal representative in Berlin attempted to obtain an exemption from the tax for her, but the records do not clearly indicate whether that exemption was granted by the Nazi authorities.

Gertrud Silbergleit also indicated that she held an account of an unknown type at the Bank, which had a balance as of 30 July 1938 of 2,100.00 Swiss Francs (“SF”). The records do not contain information about the disposition of this account.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s great-grandmother’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s maiden name, marital status, father’s name, sister’s name, two cities and two countries of residence, and street address in Zurich, all of which match unpublished information about the Account Owner contained in the German archival records.

In support of his claim, the Claimant submitted documents, including: the United States Certificate of Naturalization of Gertrud Emilie Hepner; a letter from the Department of Pathology at Harvard Medical School; the Claimant’s grandfather’s birth certificate; and the certificate of death of Gertrude Hepner, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same towns and at the same street address recorded in the German Archive records as the name and cities and address of residence of the Account Owner.

The Claimant also submitted a sample of his great-grandmother’s signature, which matches the signature samples contained in the German archival records.

The CRT notes that the name Gertrud Silbergleit appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

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 that she and her son both fled Germany to escape Nazi persecution in the late 1930s. The German archival records also indicate that the Account Owner was assessed atonement tax by the Nazi authorities in 1939.

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 and documents, demonstrating that the Account Owner was the Claimant’s great-grandmother. These documents include: a letter from the Department of Pathology at Harvard Medical School indicating that Dr. Walter Sheldon was attempting to sponsor his mother, Gertrud Hepner, who was residing on that date in Zurich, in her application for American residency; the Claimant’s grandfather’s birth certificate, indicating that Walther Ludwig Hermann Silbergleit’s mother was Gertrud Silbergleit, née Hepner, who resided in Berlin-Charlottenburg; the Claimant’s father’s birth certificate, indicating that John Walter Sheldon’s father was Walter Herman Sheldon, who was born in Berlin; the Claimant’s own birth certificate, indicating that William Walter Sheldon’s father was John Walter Sheldon; and a certificate of name change, indicating that Walther Ludwig Hermann Silbergleit of Boston changed his name legally to Walter Herman Sheldon as of 17 March 1939.

The CRT notes that the Claimant indicated that he may have surviving relatives other than the party he is representing, but that because they are not represented in the Claimant’s claim, the CRT will not treat their potential entitlement to the Account Owner’s account in this decision.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT’s precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the Account Owner reported the accounts in the 1938 Census; and given the application of Presumptions (d) and (h), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”),² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies

² Appendix C appears on the CRT II website -- www.crt-ii.org.

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 represented party John Walter Sheldon. 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 Owner was represented party John Walter Sheldon's grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that represented party John Walter Sheldon, as the Account Owner's grandson, has a better entitlement to the account than his son, the Claimant, who is the Account Owner's great-grandson.

Amount of the Award

In the 1938 Census declaration submitted by the Account Owner, the value of the Account Owner's account of unknown type is specified as SF 2,100.00 as of 30 July 1938. The CRT determines that it is unable to rely on the balance amount declared in the 1938 Census, as it has no evidence regarding the circumstances of the Account Owner's declaration. The CRT notes that, as evidenced in a number of cases, the Account Owner may not have declared all of her assets, or understated their value, in the belief that this might help her safeguard some of them. Pursuant to Article 29 of the Rules, if the amount in an account of unknown type is 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. In this case, the CRT does not find that the value of the account indicated in the Account Owner's 1938 Census declaration constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's account of unknown type 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, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant, who is the Account Owner's great-grandson, is representing his father, John Walter Sheldon, who is the Account Owner's grandson. Accordingly, represented party John Walter Sheldon is entitled to the total award amount. As noted above, the Claimant is not entitled to share in the award.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 May 2009