

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Dora Silberman**

Claim Number: 220373/MD<sup>1</sup>

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Richard Pavlovec (the “Claimant”) to the account of Dora Silberman (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 Form identifying the Account Owner as his mother’s cousin, Dora Silberman, née [REDACTED], who was born to [REDACTED] and [REDACTED] on 7 June 1903 in Lucerne, Switzerland. The Claimant stated that Dora [REDACTED] married [REDACTED]. The Claimant explained that Dora and [REDACTED] Silberman, who were Jewish, lived in Vienna until 1938, when they fled to the United States. According to the Claimant, Dora Silberman, who lived in New York, New York after arriving in the United States, returned to Austria after the Second World War, and later went back to New York. The Claimant stated that Dora Silberman died in the 1960s, and that [REDACTED] predeceased her. According to the Claimant, Dora and [REDACTED] never had any children.

The Claimant indicated that he was born in 1921 in Piestany, Czechoslovakia, to [REDACTED] and [REDACTED], née [REDACTED]. In support of his claim, the Claimant submitted numerous documents, including the birth certificates of Dora [REDACTED], her parents, as well as birth certificates of the Claimant’s parents and grandparents, demonstrating that Dora Silberman’s mother was the sister of the claimant’s mother’s and father.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the claim numbers 220370, 220371, 220372, 220374, 220376, and 220377 respectively. The CRT will treat the claims to these accounts in a separate decision.

## **Information Available in the Bank Records**

The bank records consist of lists of dormant accounts and print outs from the Bank's computer database. According to these records, the Account Owner was Mrs. Dora Silberman who lived in Vienna at Fichtegasse 5 and used an address in London. The bank records indicate that the Account Owner held an account of unknown type that was opened on 10 March 1936.

The bank records indicate that the amount in the account was 96.70 Swiss Francs, but the date of value is not known. The bank records indicate that the Bank considered the account for registration in the 1962 survey of accounts held by victims of racial, religious or political persecution. The account was not registered because of its low balance. The account was closed on 15 November 1963. 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 "ICEP Investigation") determined that the account was closed by fees and charges.

There is no evidence in the bank records that the Account Owner, or her heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's cousin's name matches the published name of the Account Owner. The Claimant stated that his cousin lived in Vienna, which matches unpublished information about the Account Owner contained in the bank records.

The CRT notes that there are no other claims to the account of Dora Silberman.

### 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 fled Austria 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 documents, including a detailed family tree and birth certificates of his relatives, demonstrating that the Account Owner was his cousin once removed.

### The Issue of Who Received the Proceeds

The auditors who investigated the Bank to identify accounts held by Victims of Nazi Persecution determined that the account was closed by bank fees.

### 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 his cousin once removed, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

Pursuant to Article 35 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it 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 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

December 31, 2002