

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Judith Lenore Veit Klein, also acting on behalf of Harro Herman Simon, Ulla Philippine Veit Sonntag, and Etta Otilie Veit Japha

in re Account of Katharina Simon

Claim Number: 217497/SJ¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Judith Lenore Veit Klein, née Simon, (the “Claimant”) to the account of Katharina Simon (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 her paternal aunt, Katharina Simon, who was born on 25 November 1887 in Berlin, Germany. The Claimant stated that both of her aunts, Katharina Simon and Eva Anna Simon (Katharina’s sister), were Jewish and physically handicapped, and that they lived in a country home purchased and maintained by their father, Herman Veit Simon. The Claimant further stated that after Herman Simon’s death, the house was maintained by Heinrich Veit Simon, the Claimant’s father and the brother of Katharina Simon and Eva Simon. The Claimant added that on 30 May 1938, his aunts’ residence, named *Kathearinenhof*, was subject to a forced sale by the Nazis, who forbade Jews from owning such property. The Claimant stated that after the sale, Katharina Simon and her sister lived with their mother in Berlin until they were all deported, first to Theresienstadt and later to Auschwitz, where they perished. In support of her claim, the

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 217497 and 300558. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 217497. Furthermore, the Claimant submitted additional claims to the accounts of Paul Simon, which is registered under the Claim Number 217498, and Hedwig Simon, which is registered under the Claim Number 217499. The CRT will treat the claim to these accounts in separate decisions.

Claimant submitted a family tree; a document regarding an education census taken on 17 May 1938 that indicates Eva Simon and Katharina Simon resided in Berlin and were born on 19 February 1884 and 25 November 1887, respectively; documents regarding legal proceedings associated with the will of Katharina Veit Simon, which identifies the Claimant and those she represents as beneficiaries; and excerpts from the *Gedenkbuch*, a list of Nazi victims from Germany. The Claimant indicated that she was born on 14 June 1925 in Berlin. The Claimant is representing Harro Herman Simon, her brother, who was born on 24 October 1911 in Berlin; Ulla Philippine Veit Sonntag, née Simon, her sister, who was born on 20 October 1915 in Berlin; and Etta Ottilie Veit Japha, née Simon, her sister, who was born on 29 August 1918 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's account ledgers and printouts from the Bank's database. According to these records, the Account Owner was Katharina Simon. The Bank's records do not indicate the Account Owner's place of residence. The Bank's records indicate that the Account Owner held a savings account, which was opened on 2 June 1926. The Bank's records further indicate that the account was transferred to a suspense account for dormant assets on 15 July 1959 and that the amount in the account on the date of its transfer was 444.20 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name matches the published name of the Account Owner. In support of her claim, the Claimant submitted a family tree; a document related to an education census that states Katharina Simon resided in Berlin; and documents related to legal proceedings associated with Katharina Veit Simon's will, which identifies the Claimant and those she represents as beneficiaries. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Furthermore, the CRT notes that the name Katharina Simon appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Finally, 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 and handicapped, and that she perished at Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, including a family tree and documents associated with the Account Owner's will, which identifies the Claimant and those she represents as beneficiaries, demonstrating that she is the Account Owner's niece. Other than the Claimant's siblings, whom she represents in these proceedings, there is no information to indicate that the Account Owner has any other surviving heirs.

The Issue of Who Received the Proceeds

The account remains open in the Bank's suspense account.

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. 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

In this case, the Account Owner held one savings account. The Bank's records indicate that the value of the savings account as of 15 July 1959 was 444.20 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 10,375.00 Swiss Francs.

Division of the Award

The Claimant is representing her siblings in these proceedings. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. As a result, the Claimant and her siblings are each entitled to receive one-quarter of the total award amount.

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 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
31 December 2003