

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Franziska Forster-Hahn
also acting on behalf of Katja Hahn-d'Errico and Renee Lubowski

in re Account of Paul Skrzypczynski and Anna Skrzypczynski

Claim Number: 217587/MBC

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of Franziska Luis Forster-Hahn (the "Claimant") to the accounts of Paul Skrzypczynski ("Account Owner Paul Skrzypczynski") and Anna Skrzypczynski ("Account Owner Anna Skrzypczynski") (together the "Account Owners") at the Zurich branch of 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 Owners as her maternal grandparents, Paul Johann Skrzypczynski and Anna Luise Skrzypczynski, née Troschke. The Claimant stated that Paul Skrzypczynski was born on 7 May 1878, in Kattowitz, Poland (formerly Germany), that Anna Skrzypczynski was born on 16 August 1884 in Reichenau, Germany, and that the couple married on 1 October 1904 in Berlin, Germany. The Claimant stated that her grandparents, who were both Romani, had two children: Hildegard Hahn, née Skrzypczynski, (the Claimant's mother), who was born on 12 July 1905 in Berlin; and Leo Skrzypczynski, who was born on 11 December 1906 in Berlin. The Claimant indicated that Paul Skrzypczynski was a tailor who lived with his wife at 13 Lutherstrasse in Berlin. According to the Claimant, Paul Skrzypczynski retired in the 1930s and died of cancer on 24 April 1939. The Claimant stated that Anna Skrzypczynski was under surveillance by the *Gestapo* and survived the Second World War by hiding outside Berlin. The Claimant stated that Anna Skrzypczynski died in 1972 in Reichenau.

In support of her claim, the Claimant submitted numerous documents including a family booklet and the death certificate of Anna Skrzypczynski, indicating that Paul and Anna Skrzypczynski were married in 1904. The Claimant also submitted her mother's birth certificate, demonstrating that she was the daughter of Paul and Anna Skrzypczynski; and her own birth certificate, demonstrating that she is the daughter of Hildegard Hahn, née Skrzypczynski. The Claimant also

provided her father's will and a document concerning the division of her grandfather's estate, as well as a copy of a document issued by the Nazi authorities indicating that Leo Skrzypczynski was interned in the Oranienburg concentration camp between May 1943 and April 1945. The Claimant stated that Leo Skrzypczynski passed away in 1971, that his wife passed away on a prior date, and that his son, Andreas Skrzypczynski, who was born in 1942, died in 1945.

The Claimant indicated that she was born on 21 December 1935 in Hamburg, Germany. The Claimant is representing her sister, Katja Hahn-d'Errico, who was born on 22 November 1939 in Hamburg, and her cousin, Renee Maria Lubowski, née Skrzypczynski, (the daughter of Leo Skrzypczynski), who was born on 17 March 1938 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a suspense account ledgers and printouts from the Bank's database. According to these records, Account Owner Paul Skrzypczynski and Account Owner Anna Skrzypczynski each held one account of unknown type. Regarding Account Owner Paul Skrzypczynski's account, the Bank's records indicate that the account was transferred to a suspense account, which is a grouping of open and dormant accounts, on or before 20 September 1954. The balance of the account on 20 September 1954 was 24.00 Swiss Francs. Regarding Account Owner Anna Skrzypczynski's account, the Bank's records indicate that the account was transferred to a suspense account on or before 19 November 1955. The amount in the account on 19 November 1955 was 1,725.00 Swiss Francs.

The Bank's records do not show when the accounts at issue were closed or to whom they were paid. 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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that the accounts were closed. There is no evidence in the Bank's records that the Account Owners, or their heirs closed the account and received the proceeds themselves. These auditors indicated that there was no evidence of activity on these accounts after 1945.

CRT's Analysis

Identification of the Account Owners

The Claimant's grandparents' names match the published names of the Account Owners. The CRT notes that the Bank's records do not contain any specific information about the Account Owners other than their names. The CRT also notes that the name Skrzypczynski appears on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List") only as "Paul Skrzypczynski" and "Anna Skrzypczynski," and that the Claimant has identified both persons as her relatives and has identified the relationship between them, even though their names appeared separately on the ICEP List. The CRT further notes that the accounts were both held at the same bank, which strengthens the

plausibility that the Account Owners were related. The death certificate of Anna Skrzypczynski indicates that she was married to Paul Skrzypczynski; the birth certificate of the Claimant's mother, Hildegard Hahn, indicates she was the daughter of Paul and Anna Skrzypczynski; and the Claimant's own birth certificate indicates that she is the daughter of Hildegard Hahn, née Skrzypczynski. The CRT notes that there were no other claims to these accounts. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Romani, and that Account Owner Anna Skrzypczynski was forced to live in hiding during the Second World War. Additionally, the Account Owners' son, Leo Skrzypczynski, was interned in a concentration camp in 1943.¹

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that the Account Owners were her grandparents by submitting documents, including the birth certificate of the Claimant's mother, Hildegard Hahn, indicating she was the daughter of Paul and Anna Skrzypczynski; and the Claimant's own birth certificate, indicating she is the daughter of Hildegard Hahn, née Skrzypczynski. There is no information to indicate that the Account Owners have other surviving heirs other than the Claimant and the persons she is representing.

The Issue of Who Received the Proceeds

Account Owner Paul Skrzypczynski's account was transferred to a suspense account, which is a grouping of open and dormant accounts, on or before 20 September 1954. The balance of the account on 20 September 1954 was 24.00 Swiss Francs. Account Owner Anna Skrzypczynski's account was transferred to a suspense account on or before 19 November 1955. The amount in the account on 19 November 1955 was 1,725.00 Swiss Francs.

Given that Account Owners' accounts remained in existence after the Second World War and were placed into suspense accounts in 1954 and 1955; that there is no record of the payment of the accounts to the Account Owners after the Second World War; that the Account Owners or their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the proceeds of the accounts were not paid to the Account Owners or their heirs. Based on its precedent and the Rules, the CRT applies

¹ The CRT notes that it is the policy of the CRT to accept claimants' assertions of status as a class member in the absence of plausible evidence to the contrary.

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 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 Owners were her grandparents, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, each of the Account Owners held one account of unknown type. The Bank's records indicate that the value of Account Owner Paul Skrzypczynski's account as of 31 December 1954 was 24.00 Swiss Francs. The Bank's records indicate that the value of Account Owner Anna Skrzypczynski's account as of 19 November 1955 was 1,725.00 Swiss Francs. According to Article 29 of the Rules, if an amount in the account of unknown type was less than 3,950.00 Swiss Francs, which is the case for both of the accounts at issue, 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 current value of the amount of the award is determined by multiplying the balances 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 98,750.00 Swiss Francs.

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. The Claimant is representing her sister, Katja Hahn-d'Errico, and her cousin, Renee Lubowski (the daughter of Leo Skrzypczynski), in these proceedings. Accordingly, the Claimant and her sister, Katja Hahn-d'Errico, are entitled to share one-half of the total award amount, or one-quarter each of the total award amount; and the Claimant's cousin, Renee Lubowski, is entitled to one-half 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
September 30, 2003