

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alexander, Helene, Eva and Hans Spitzer

Claim Number: 223570/MG¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Eva Spitzer (the “Account Owner”) at the Zurich branch of 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Eva Spitzer as her maternal grandmother, [REDACTED], née [REDACTED], who was born in Kassa, Hungary, and was married to [REDACTED] in Rosznyo, Hungary. The Claimant stated that her grandmother was a wealthy woman, and that her assets included a hat business and a restaurant. The Claimant stated that her grandmother resided in and owned real estate in Kassa, which later became part of Czechoslovakia and is now known as Kosice, from 1930 onwards. The Claimant stated that her mother, [REDACTED], née [REDACTED], told her that her grandmother often traveled on business to different countries, including Germany, France, and Switzerland, and that she most likely opened an account in Switzerland. The Claimant further stated that her grandmother perished in the gas chambers in Auschwitz. According to the Claimant, the only surviving members of her grandmother’s family were her mother and two of her mother’s brothers who survived Auschwitz and returned to Czechoslovakia after the Second World War. The Claimant stated that she cannot remember the names of her grandmother’s parents or siblings. The Claimant submitted various documents, including her birth certificate dated [REDACTED] 1951, showing that her grandmother’s name was Eva Spitzer, her parents’ marriage certificate, and a certificate confirming the Jewish background of the Claimant and her parents. The Claimant

¹ The Claimant submitted an additional claim to the account of her stepmother [REDACTED], which is registered under the claim number [REDACTED]. The CRT will treat the claim to this account in a separate decision.

stated that she is the only surviving relative of her grandmother, and that she was born on [REDACTED] 1951 in Kosice.

Information Available in the Bank Record

The bank record consists of a list of account owners' names. According to this record, the Account Owners were Alexander Spitzer, his wife Helene Spitzer, his daughter Eva Spitzer, and his son, Hans Spitzer, all of whom resided in Czechoslovakia. The bank record indicates that the Account Owners held an account of unknown type, numbered [REDACTED], which was closed in November 1949 by an unknown entity. The bank record does not show the value of this account. 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") indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records that the Account Owners or their 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. Her grandmother's name matches the published name of Account Owner Eva Spitzer. The Claimant identified her grandmother's country of residence, which matches published information about the Account Owners contained in the bank records. In support of her claim, the Claimant submitted various documents, including her own birth certificate identifying Eva Spitzer as her maternal grandmother, her father's death certificate, her parents' marriage certificate, and a certificate confirming the Jewish background of the Claimant and her parents. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different names for the Account Owners. In view of the devastation of the Claimant's family at the hands of the Nazis, leaving her one of the few eligible claimants to her grandmother's estate and the strong evidence submitted by the Claimant of her relationship to her grandmother, Eva Spitzer, the CRT concludes that the Claimant has plausibly identified the Account Owner as her grandmother.

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 was killed in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate, which expressly indicates that she is the Account Owner's granddaughter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h), (i) and (j) contained in Appendix A,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 Governing the Claims Resolution Process (the “Rules”), the CRT applies 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. The CRT determines that it is plausible that the Claimant failed to name the other family members mentioned in the bank records because she was born after the Second World War, several years after those relatives had died. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their 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

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 30,810.00 Swiss Francs.

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 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).

² An expanded version of Appendix A appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

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

Claims Resolution Tribunal

23 January 2003