

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED] and [REDACTED]

in re Account of M. Stadler

Claim Number: 210855/PY¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED].² This Award is to the unpublished account of M. Stadler (the “Account Owner”) at the [REDACTED] (the “Bank”).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 maternal grandmother, Marguerite Stadler, née [REDACTED], who was born on 3 July 1876 in Vienna, Austria, and was married to [REDACTED]. The Claimant stated that his grandmother, who was Jewish, resided in Szombathely, Hungary. According to the Claimant, his grandparents had three children: [REDACTED]; [REDACTED], née [REDACTED]; and the Claimant’s mother, [REDACTED], née [REDACTED]. The Claimant stated that one of his uncles lived in Switzerland, and that [REDACTED] sometimes accompanied her husband, [REDACTED], the Claimant’s father, to Switzerland for business purposes. The Claimant stated that his grandmother perished in 1944 in Auschwitz.

The Claimant indicated that he was born on 25 February 1932 in Brno, Czechoslovakia. The Claimant is representing [REDACTED], née [REDACTED], his sister, and [REDACTED], his brother, who were born on 14 March 1922 and 27 December 1923, respectively, in Brno.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 601458. The CRT will treat the claim to this account in a separate decision.

² The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was M. Stadler. The bank records indicate that the Account Owner held an account of unknown type.

The account was transferred to a suspense account on an unknown date. The amount in the account on the date of its transfer is unknown, although a balance of 5.10 Swiss Francs was recorded on an unspecified date. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's first initial and last name matches the unpublished name of the Account Owner. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marguerite Stadler, and indicates that her date of birth was 3 July 1876 and place of birth was Vienna, Austria, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that the fate of the Claimant's grandmother is consistent with the account still being open and dormant. Furthermore, the CRT notes that this is the only claim 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 was perished in Auschwitz. This information is supported by the information in the Yad Vashem database, as noted above.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and his siblings, whom he represents, are related to the Account Owner by submitting a family tree.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and remains open and dormant.

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 and his siblings’ grandmother, 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

In this case the Account Owner held an account of unknown type. 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 investigation carried out pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or 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.

Division of the Award

The Claimant is representing his brother and his sister. According to Article 29 of the Rules, his brother and sister are each entitled to receive one-third of any payment made to the Claimant.

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, however, because [REDACTED] and [REDACTED] are age 75 or older, they are entitled to receive payment of 100% of their portions of the total award amount. Accordingly, the initial payment amount is 41,870.00 Swiss Francs, which is comprised of 100% of [REDACTED]'s and [REDACTED]'s portions of the award (15,800.00 Swiss Francs each) and 65% of [REDACTED]'s portion of the award (10,270.00 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 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

January 28, 2003