

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Elsa Stein

Claim Number: 221501/SJ

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Elsa Stein (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 her maternal grandmother, Elsa (Else) Stein, née Kahn, who was born on 28 May 1887 in Prague, Czechoslovakia, and was married to [REDACTED] in 1907 in Berlin, Germany. The Claimant stated that Elsa Stein, who was Jewish, was a homemaker and that she resided in Berlin from 1906 until 1938. The Claimant indicated that her grandmother had two daughters, both of whom were born in Berlin: [REDACTED], née [REDACTED], (the Claimant’s mother), born on 30 December 1907, and [REDACTED], born in March 1910. The Claimant further indicated that [REDACTED] died in 1931 and [REDACTED] died in 1936, both in Berlin, but that Elsa Stein escaped Germany in 1938, first to Havana, Cuba and then, in 1939, to New York, New York, the United States. The Claimant indicated that shortly after Elsa Stein arrived in the United States approximately 5,000.00 United States Dollars was transferred to her by her brother, [REDACTED], representing her share of her parents’ estate. The Claimant further indicated her belief that [REDACTED] had money on deposit in Swiss Banks. The Claimant additionally stated that her grandmother died on 11 May 1963 in New York and that her mother died on 24 May 1995, also in New York. The Claimant submitted a copy of her grandmother’s naturalization certificate, issued on 18 June 1945, indicating that her name was Elsa Stein, and that she was a widow; a copy of her grandmother’s obituary, indicating the names of the Claimant and her mother as relatives of Else Stein; and a copy of her mother’s Last Will, bequeathing her assets to the Claimant’s father, the

Claimant and to the Claimant's three children. The Claimant indicated that she was born on 16 February 1940 in New York.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Elsa Stein. The Bank's record does not indicate the Account Owner's address. The Bank's record indicates that the Account Owner held one account, numbered 42587, but does not indicate its type. The Bank's record indicates that the account was transferred to a suspense account for dormant assets. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal grandmother's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of her claim, the Claimant submitted documents, including copies of her grandmother's naturalization certificate, issued on 18 June 1945, indicating her name was Elsa Stein, and a copy of her grandmother's obituary, indicating the names of the Claimant and her mother as relatives of Else Stein. 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 record as the Account Owner. Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different first name than the first name of the Account Owner. 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 that she fled Germany for Cuba in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's grandmother. These documents include a copy of her grandmother's naturalization certificate, issued on 18 June 1945, indicating her name was Elsa Stein; a copy of her grandmother's obituary, indicating the names of the Claimant and her mother as relatives of Else Stein; and a copy of her mother's Last Will, bequeathing her assets to

the Claimant's father, the Claimant and to the Claimant's three children. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that it is plausible that the naturalization certificate and Last Will are documents that most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of her grandmother's obituary, which provides independent verification that the Claimant's relative bore the same name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and that all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her claim form.

The Issue of Who Received the Proceeds

The Bank's record indicates that 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. Third, 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 one account of unknown type. The Bank's record indicates that the value of the account of unknown type as of 31 December 1957 was 1.70 Swiss Francs. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 195.00 Swiss Francs, which reflects standardized bank fees charged to the account between January 1945 and December 1957. Consequently, the adjusted balance of the account at issue is 196.70 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, 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 balance as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

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
28 May 2004