

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Ernst Stein

Claim Numbers: 202872/AH

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Ernst Stein (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 father, Ernst Bernhard Stein, who was born on 27 February 1890 in Bamberg, Germany, was married to [REDACTED], the Claimant’s mother, and upon her death in 1930, re-married, divorced, and re-married again for the third time, but did not have any children other than the Claimant. The Claimant indicated that her father, who was Jewish, resided at 21 Hainstrasse, Bamberg, worked as a merchant, and owned a business at 3 Bahnhofstrasse, Bamberg. The Claimant indicated that in 1938, while she was in a Kinderheim (children’s camp) in Klosters, Switzerland, her father and step-mother fled Germany to Switzerland, where they stayed for about a year until her father received a visa to England in 1939, upon which they moved to Norwich, England and then, in 1941, to Leicester, England, where her father lived until he died of a heart attack in March 1944. In a telephone conversation with the CRT on 14 October 2002, the Claimant stated that she was a young girl during the Second World War and does not remember any details about her father’s accounts, but stated that she is certain her father owned accounts in Switzerland, since the family was wealthy and had connections to Switzerland. The Claimant stated that in 1938 she was left at a Swiss children’s camp with the owners so she would not have to go back to Germany, and that later, her step-mother came to pick her up to join her father in London. The Claimant stated that she does not think her father was ever able to contact the Swiss banks regarding his accounts after he fled Germany, that in Switzerland her father was a refugee, and when he was finally able to move to England he was denied a work permit, and her family lived in England in poverty. The Claimant submitted her birth and marriage certificates, indicating she was born on 10 May 1927 in Bamberg, Germany and that her father was Ernst Bernhard Stein.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her

entitlement to a Swiss bank account owned by her father.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Ernst Stein, who resided in Bamberg, Germany and then in Leicester, the United Kingdom. The Bank's record indicates that the Account Owner held two demand deposit accounts, and two custody accounts, numbered L 14495 and L 8134. The Bank's records indicate that custody account L 8134 was closed on 26 May 1933; one of the demand deposit accounts was closed on 8 December 1933; custody account L 14495 was closed on 31 October 1941; and the other demand deposit account was closed on 31 October 1941. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name matches the published name of the Account Owner. The Claimant identified her father's cities of residence as Bamberg, Germany and Leicester, England, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted her birth certificate and marriage certificate, indicating she was born in Bamberg and that her father was Ernst Bernhard Stein. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and cities of residence.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ernst Bernhard Stein, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country or city of residence from the countries and cities of residence of the Account Owner in this case.

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 had to flee Germany in 1938 to avoid Nazi persecution.

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 and marriage certificates, demonstrating that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to custody account numbered L 8134 which was closed on 26 May 1933 and the demand deposit account which was closed on 8 December 1933, that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1938, and would not have been able to repatriate his account to Germany without its confiscation; that there is no record of the payment of the accounts to the Account Owner or his heirs; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, or his heirs. Based on its precedent and 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.

With regard to the custody account numbered L 14495 which was closed on 31 October 1941 and the demand deposit account which was closed on 31 October 1941, given that the Bank's records indicated that the Account Owner resided in Leicester, the CRT has decided not to reach a decision at this time, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of these 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 Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined it is plausible that neither the Account Owner nor his heirs received the proceeds of the custody account closed 26 May 1933 and the demand deposit account closed on 8 December 1933.

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

In this case, the Award is for one demand deposit account and one custody account. Pursuant to Article 29 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 15,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 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
20 May 2004