

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Rudolf Stein

Claim Number: 202872/AX

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[REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Ernst Stein (the “Account Owner”).¹ This Award is the unpublished accounts of Rudolf Stein at the [REDACTED] (the “Bank”).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 paternal grandfather, Rudolf Stein, who was born in Bamberg, Germany, and was married to [REDACTED]. The Claimant indicated that her grandfather, who was Jewish, worked with his son, [REDACTED], the Claimant’s father. The Claimant indicated that they owned a business importing and exporting hops at Bahnhofstrasse 3 in Bamberg. The Claimant indicated that in 1938, while she was in a *Kinderheim* (boarding school) 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, when they moved to Norwich, England and then, in 1941, to Leicester, England, where her father resided until his death in March 1944. In a telephone conversation with the CRT on 2 December 2004, the Claimant stated that she was a young girl during the Second World War and does not remember many details about her grandfather, but she believes that he perished in the Holocaust. The Claimant submitted her birth and marriage certificates, indicating she was born on 10 May 1927 in Bamberg, Germany, and that her father was [REDACTED].

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ernst Stein.

¹ The CRT has previously awarded the account of Ernst Stein to the Claimant. See In re Account of Ernst Stein, which was approved by the Court on 20 May 2004.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Rudolf Stein, who resided in Bamberg, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered L8437, and a demand deposit account. The Bank's record indicates that the custody account was closed on 26 May 1933, and that the demand deposit account was closed on 27 May 1933. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name, country and city of residence match the unpublished name, country and city of residence of the Account Owner. In support of her claim, the Claimant submitted her birth and marriage certificates, indicating she was born in Bamberg, Germany, and that her father was [REDACTED], providing independent verification that the relatives of the person who is claimed to be the Account Owner had the same family name and resided in the same city recorded in the Bank's records as the family name and city of residence of the Account Owner. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than that of the Account Owner. Taking all 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 he likely perished in the Holocaust.

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, demonstrating that the Account Owner was the Claimant's grandfather. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of her birth and marriage certificates, indicating she was born in Bamberg, Germany and that her father was [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner, and that they resided in same city 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 all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner's two accounts were closed on 26 May 1933 and 27 May 1933, respectively. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until he perished in the Holocaust; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 inquiries by account owners because of the banks' concern regarding double liability; 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,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or 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.

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 grandfather, 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 accounts.

Amount of the Award

In this case, the Account Owner held 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 SF 189,250.00.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

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
30 December 2004