

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Zsuzsanna Ágnes Schiller, also acting on behalf of Ferencné Kunosi, Robert Somogyi and Zsuzsanna Somogyi Nagyné

in re Account of Adolf Steiner

Claim Number: 215607/PY

Award Amount: 71,462.50 Swiss Francs

This Certified Award is based upon the claim of Zsuzsanna Ágnes Schiller, née Rácz, (the “Claimant”) to the account of Adolf Steiner (the “Account Owner”) at the St. Gallen branch of 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 maternal grandfather, Adolf Steiner, who was born on 29 May 1883 in Alsószil, Czechoslovakia, and was married to Adél Steiner, née Groszmann, on 15 June 1917 in Budapest, Hungary. The Claimant stated that her grandfather resided in Budapest at Szondi u. 37/c, between 1930 and 1940, and at Hóllan u. 49, between 1940 and 1948. According to the Claimant, her grandfather was a textile trader whose business was located at Rumbach S. u. 13. The Claimant explained that her grandfather often made business trips to Brno, Czechoslovakia, and that he and his family often took vacations to visit his siblings who lived in and around Nitra, Czechoslovakia. According to the Claimant, in 1944 her grandparents, who were Jewish, were forced by the Nazis to move to a house designated for Jews. The Claimant explained that her grandmother, Adél Steiner, was then deported to the Ravensbrück concentration camp where she perished, while Adolf Steiner was deported to a Ghetto and later escaped. The Claimant stated that her grandfather then went into hiding in a Budapest suburb for months. The Claimant further stated that her grandfather died on 11 April 1960 in Budapest. The Claimant further indicated that Adolf Steiner’s son, Zoltan Somogyi, died in 1998 in Budapest, and that his daughter, Ferencné Kunosi (née Marta Steiner), the Claimant’s mother, is still living, and is represented by the Claimant in these proceedings. In support of her claim, the Claimant submitted

documents, including her grandfather's marriage, death and citizenship certificates, indicating that he was born in Alsószil; Zoltan Somogyi's high school certificate, identifying Adolf Steiner as his father; her mother's identity card, identifying her as Ferencné Kunosi (née Marta Steiner) and Adolf Steiner as her father; the Claimant's own identity card, identifying Ferencné Kunosi as her mother; and her cousins' identity cards, identifying Zoltan Somogyi as their father.

The Claimant indicated that she was born on 28 January 1946 in Budapest. The Claimant is representing Ferencné Kunosi, her mother, who was born on 23 April 1924 in Budapest, as well as her cousins, Robert Somogyi and Zsuzsanna Nagyné, née Somogyi, who were both born in Budapest on 21 March 1946 and 29 April 1956, respectively.

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 Adolf Steiner, who resided at Smetansgasse 41 in Brno, Czechoslovakia. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated. The Bank's record indicates that the account was frozen pursuant to the Swiss Freeze of assets held by citizens of Germany and the territories incorporated into the Third Reich, and that it was unfrozen on 26 August 1950. The Bank's record indicates that the amount in the account was 5,627.00 Swiss Francs as of the date that the account was unfrozen.

The Bank's record does not show when the account at issue was closed or to whom it was paid. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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 has plausibly identified the Account Owner. Her grandfather's name matches the published name of the Account Owner. Although the Claimant stated that her grandfather resided in Hungary, she indicated that her grandfather had strong familial and business ties to Czechoslovakia, the published country of residence of the Account Owner. The Claimant stated that her grandfather often conducted business in Brno, which matches unpublished information about the Account Owner's address contained in the Bank's record. In support of her claim, the Claimant submitted documents, including Zoltan Somogyi's high school certificate, identifying Adolf Steiner as his father; her mother's identity card, identifying her as Ferencné Kunosi (née Marta Steiner) and Adolf Steiner as her father;

the Claimant's own identity card, identifying Ferencné Kunosi as her mother; and her cousins' identity cards, identifying Zoltan Somogyi as their father. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner and could not establish any connection to that country.

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 was forced to move into a house designated for Jews, before being deported to a Ghetto, from which he escaped and subsequently went into hiding from the Nazis in Budapest. The Claimant also stated that the Account Owner's spouse perished in the Ravensbrück concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her mother's identity card, identifying her as Ferencné Kunosi (née Marta Steiner) and Adolf Steiner as her father; and her own identity card, identifying Ferencné Kunosi as her mother, demonstrating that she is the Account Owner's granddaughter.

The Issue of Who Received the Proceeds

Given that the account was frozen pursuant to the Swiss Freeze of assets held by citizens of Germany and the territories incorporated into the Third Reich; that the Account Owner lived in a Communist country in Eastern Europe from the time the account was unfrozen on 26 August 1950 until his death in 1960, and therefore it is unlikely he would have been able to access his account without its confiscation; 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 the account after the Second World War from the Bank due to the Swiss bank's practice of withholding or misstating account information in their responses to inquiries by account owners because of the Bank's concern regarding double liability; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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.

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 that it is plausible that neither the Account Owner nor his 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 was 5,627.00 Swiss Francs on 26 August 1950. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 90.00 Swiss Francs, which reflects standardized bank fees charged to the account between January 1945 and August 1950. Consequently, the adjusted balance of the account at issue is 5,717.00 Swiss Francs. The current value of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 71,462.50 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Where a child of the Account Owner is deceased, but that child's descendants are living and have submitted a claim or claims, those descendants are entitled to equal portions of the deceased child's share of the award. In this case, the Claimant's mother, Ferencné Kunosi, as one of the Account Owner's two children, and the Claimant's cousins, Robert Somogyi and Zsuzsanna Nagyné, as the children of the Account Owner's other child, who is deceased, are better entitled to the account than the Claimant herself. Accordingly, the Claimant's mother is entitled to one-half of the total award amount, and the Claimant's cousins are each entitled to one-quarter of the total award amount.

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
31 December 2003