

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Elisabeth Steiner

in re Account of Albert Steiner

Claim Number: 221769/MD¹

Award Amount: 2,071,173.00 Swiss Francs

This Certified Award is based upon the claim of Elisabeth Steiner (the “Claimant”) to the account of Albert Steiner² (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 is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner, Albert Steiner, as her paternal grandfather. The Claimant stated that Albert Steiner, who was Jewish, was born in 1897 in Vienna, Austria, and that he married Friederike Melkus. The Claimant further stated that Albert and Friederike Steiner had one child, Gustav, the Claimant’s father. According to the information provided by the Claimant, her grandfather owned a large textile factory in Vienna named “*Brüder Steiner*,” which was located at Westbahnstrasse 21. The Claimant stated that her grandfather attempted to leave Austria after the *Anschluss* in March 1938, but an employee prevented him from accessing his passport which was locked in a safe located in the factory. The Claimant further stated that her grandfather committed suicide in May 1938. The Claimant produced documents indicating that Albert Steiner’s wife declared his and her assets located in Austria to the Nazi authorities after his death, and indicated that her grandfather’s factory was

¹ The Claimant submitted two Claim Forms in which she claims the account of Albert Steiner. These claims were registered under the Claim Numbers 221434 and 221769. The Tribunal has determined that these claims are duplicate claims and is treating them under the Consolidated Claim Number 221769.

² The Claimant submitted additional claims: to the account of Friederike Steiner, which is registered under the claim number 221404; to the account of Gustav Steiner, which are registered under the claim numbers 221405 and 221406; to the account of Clara Grossi, which are registered under the the claim numbers 221420, 221421, and 221422; and to the account of Jenny Sara Steiner, which is registered under the claim number 221438. The Tribunal will treat the claims to these accounts in a separate decision.

“aryanized.” The Claimant stated that Friederike Steiner died in 1986 in Vienna, and that Gustav Steiner died there in 1990.

Information Available in the Bank Records

The bank records consist of a list of accounts transferred to the *Oesterreichische Creditanstalt – Wiener Bankverein* and of a list of closed numbered accounts. According to these records, the sole Account Owner was Albert Steiner who used an address in Vienna at Westbahnstrasse 31. The bank records indicate that the Account Owner held a numbered custody account and a demand deposit account which were closed and the assets were transferred to the *Oesterreichische Creditanstalt – Wiener Bankverein* on 11 April 1938. The assets in the custody account as of the date of transfer were valued at 180,000.00 Swiss Francs, and the balance of the demand deposit account on the same date was 102.00 Swiss Francs.

The Tribunal’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The information provided by the Claimant regarding the business address of her grandfather is virtually the same as that identified in the unpublished information contained in the bank documents.

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 his factory was expropriated by the Nazis. She further stated that her grandfather failed to escape from Austria and that he committed suicide. In support of her claim the Claimant produced a death certificate of her grandfather indicating that he was Jewish and that he died of poisoning in May 1938.

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 relatives’ death certificates and Austrian census documents, demonstrating that she is the granddaughter of Albert Steiner. There is no information to indicate that the Account Owner has other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning her relationship to the Account Owner.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the accounts at issue were paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the “ICEP Investigation”) demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owners, or his family, there is a substantial likelihood that these funds went to the Nazis.

In this case, the bank documents show that the accounts were transferred to the Nazi-controlled *Oesterreichische Creditanstalt – Wiener Bankverein*. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the accounts.³

Basis for the Award

The Tribunal 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather and that relationship justifies an Award. Finally, the Tribunal has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the custody account as of 11 April 1938 was 180,000.00 Swiss Francs, and that the value of the demand deposit account on that date was 102.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic values by a factor of 11.5, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 2,071,173.00 Swiss Francs.

In cases where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, there is the

³ In reaching this conclusion, the Tribunal is relying in part on research cataloguing more than forty different laws, acts, and decrees used by the Nazi Regime to confiscate Jewish assets abroad. After the annexation of Austria, German laws were extended to apply there as well, and these laws applied to foreign assets of Austrian citizens as a result of a law promulgated on 23 March 1938. Although many of the laws were facially non-discriminatory, the Nazi Regime enforced these laws on a discriminatory basis against Jewish asset holders. These laws included, for example, increasingly stringent registration and repatriation requirements for assets held outside the Reich and special confiscatory taxes for emigrants who wished to flee. After the occupation of Austria, wholesale and systematic Nazi expropriations of Jewish assets held in Swiss banks and elsewhere were widespread. A decree dated 26 April 1938 required Jews to register their assets, and subsequent to that date the Nazi Regime began to enact legislation and orders to repatriate and confiscate foreign assets both for Jews who sought permission to flee the Reich and for those unable to flee. A listing of the principal laws invoked by the Nazi Regime in specific confiscatory situations appears at the CRT-II website, www.crt-ii.org.

possibility of other competing claims. In this instance, 35% of the total award amount is 724,910.55 Swiss Francs.

Scope of the Award


The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. Article 37(3)(a) and (b) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, and/or the Tribunal determines that an account may be subject to later competing claims, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. Thus, the Rules instruct and require the Tribunal to certify and recommend an initial 35% payment in awards submitted for Court approval in particular cases where either the Tribunal has used the value presumptions of Article 35 or it has determined that the account may be subject to later competing claims, or both.

In this case, the Tribunal is of the opinion that the accounts at issue may be subject to later competing claims. On this basis, the Tribunal certifies this Award for approval by the Court and for payment by the Special Masters in accordance with Article 37(3) of the Rules.

26 March 2002
Date


Roberts B. Owen
Senior Claims Judge