

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

## **in re Account of Elsa Steiner**

Claim Numbers: 202925/KG,<sup>1</sup> 733328/KG<sup>2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of [REDACTED]<sup>3</sup> and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Gezané Deutsch, née Elza Steiner (together the “Claimants”). This Award is to the published account of Elsa Steiner (the “Account Owner”) at the Delémont branch of 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 Claimants**

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her sister, Gézané Deutsch, née Elza Steiner, who was married to [REDACTED]. Claimant [REDACTED 2] indicated that her sister resided in Szombathely, Hungary, where she and her husband ran a furrier business and had two children. Claimant [REDACTED 2]

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<sup>1</sup> [REDACTED 1] submitted additional claims to the account of Bernard Adolf Weingarten, which are registered under the Claim Numbers 203169 and 213999. The CRT will treat the claims to this account in a separate decision.

<sup>2</sup> [REDACTED 2] submitted an Initial Questionnaire (“IQ”), numbered HUN 0148 106, to the Court in the United States in 1999. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 733328. [REDACTED 2] submitted an additional claim to the account of Adolf Steiner, which is registered under the Claim Number 204955. The CRT will treat the claim to this account in a separate decision.

<sup>3</sup> The CRT will treat the claim to this account in a separate decision.

indicated that her sister, who was Jewish, had told her that she had deposited 60,000.00 Swiss Francs (“SF”) in an account. According to Claimant [REDACTED 2], in May 1944, her sister’s husband was taken to a slave labor camp, and her sister and her children were taken to Auschwitz, where they were murdered shortly after their arrival. Claimant [REDACTED 2] further stated that she was the only person in her family to survive the Second World War. The Claimant stated that she was born on 5 May 1919.

#### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as herself, [REDACTED 1], née [REDACTED]. Claimant [REDACTED 1] stated that she was born on 10 March 1915 in Horazdovice, Czechoslovakia (now the Czech Republic). Claimant [REDACTED 1] indicated that she is also known as Elsa, Ellie and Eliska. According to Claimant [REDACTED 1], she was one of three children of [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 1], who is Jewish, stated that her family resided in Horazdovice and later in Prague, and that her father owned a hardware store in Horazdovice. Claimant [REDACTED 1] explained that her father, who was Jewish, was deported to Theresienstadt in 1942, and later to Auschwitz, where he perished. In support of her claim, Claimant [REDACTED 1] submitted a copy of her birth certificate, which indicates that her given name was Elsa Steinerova.

#### **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 Steiner. The Bank’s record does not contain information about the Account Owner’s domicile. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated. The Bank’s record also indicates that the account was considered dormant by the Bank and was transferred to the Bank’s suspense account for dormant assets on 14 December 1987. The amount in the account on the date of its transfer was SF 17.90. The account remains in the suspense account.

#### **The CRT’s Analysis**

##### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

### Identification of the Account Owner

Claimant [REDACTED 2]'s sister's name<sup>4</sup> and Claimant [REDACTED 1]'s maiden name each match 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, Claimant [REDACTED 1] submitted her birth certificate, which shows that she was born Elsa Steinerova,<sup>5</sup> providing independent verification that Claimant [REDACTED 1] had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT further notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Elsa Steiner, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 2] has based her 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 relatives, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] 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 Claimant [REDACTED 2].

Finally, the CRT notes that Claimant [REDACTED 1] and the relative of Claimant [REDACTED 2] are not the same person. However, given that the Claimants have identified all published information about the Account Owner available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other admissible claim to this account was disconfirmed because the marital status of that claimant's relative was inconsistent with the Account Owner's name as recorded in the Bank's records, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

### Status of the Account Owner as a Victim or Target of Nazi Persecution

Claimant [REDACTED 2] and Claimant [REDACTED 1] have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that she was murdered in Auschwitz. Claimant [REDACTED 1] stated that the Account Owner is Jewish and that she resided in Nazi-occupied Czechoslovakia.

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<sup>4</sup> The CRT notes that [REDACTED 2] indicated that her sister's name was Elza Steiner, but that the Bank's record indicates that the Account Owner's name was Elsa Steiner. The CRT finds that this is a minor discrepancy which does not affect Claimant Pasztor's identification of the Account Owner.

<sup>5</sup> The CRT notes that in Czech naming convention, "-ova" is appended to the family names of all women.

### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is the Account Owner by submitting specific information and documents, demonstrating that she is the Account Owner. These documents include her birth certificate.

Claimant [REDACTED 2] has each plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s sister.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account on 14 December 1987 and indicates that the account remains in the Bank's suspense account.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that she is the Account Owner, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her sister, and those relationships justify 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, the type of which is not indicated. The Bank's record indicates that the value of the account as of 14 December 1987 was SF 17.90. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects the standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 702.90. According to Article 29 of the Rules, if the amount in an account, the type of which is not indicated, was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner.

According to Article 23(1)(c)-(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation.

Consequently, Claimant [REDACTED 2], as the Account Owner's sister, and Claimant [REDACTED 1], as the Account Owner, are each entitled to one-half of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 June 2006