

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Grete Steiner

Claim Number: 753767/AC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], formerly [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the published account of Grete Steiner (the “Account Owner”) at the Zurich 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 Claimant

The Claimant submitted an ATAG Ernst & Young claim form in 1998 identifying the Account Owner as her mother, Grete Steiner, née Trebitsch, who was born on 3 October 1891 in Vienna, Austria, and was married to [REDACTED], a civil engineer, on 5 April 1914, also in Vienna. In a telephone conversation with the CRT on 28 September 2004, the Claimant indicated that her mother, who was Jewish, lived in Austria until 13 December 1938, when she fled to Australia to avoid Nazi persecution. According to the Claimant, her mother’s father, [REDACTED], was deported from his home in Vienna to Theresienstadt, where he perished on 21 September 1942. The Claimant further indicated that her grandfather held bank accounts in Switzerland and that her mother attempted to locate the accounts after the Second World War by directly contacting the bank. However, the bank informed the Claimant's mother that it could find no accounts belonging to [REDACTED]. According to the Claimant, after her mother's unsuccessful inquiry at the bank, the Claimant's mother destroyed documentation referring to [REDACTED]’s Swiss bank accounts; thus, the Claimant has no specific information regarding her grandfather's accounts. The Claimant stated that it was likely that her grandfather would have opened an

¹ The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

account in her mother's name, as her mother was his only child. According to the Claimant, her mother passed away on 27 May 1978. Finally, the Claimant stated that she is her parents' only child and that to her knowledge she is the only surviving member of her family.

In support of her claim, the Claimant submitted 1) a copy of her grandfather's death certificate, indicating that [REDACTED], who was born on 31 December 1858 in Mikulov, Czechoslovakia, perished on 21 September 1942 in Theresienstadt, Czechoslovakia; 2) a copy of her mother's birth certificate, showing that her name was Grete Trebitsch, that she was born on 3 October 1891 in Vienna, Austria, and that her parents were [REDACTED] and [REDACTED]; 3) a copy of her parent's marriage certificate, stating that they were married on 5 April 1914 in Vienna, Austria; 4) a copy of her own birth certificate, stating that she was originally named [REDACTED], that she was born on 11 September 1917 in Vienna, Austria, that her parents were [REDACTED] and Grete Trebitsch, and that [REDACTED] was an engineer; 5) a copy of her own marriage certificate, issued on 9 October 1941 in Melbourne, Australia, stating that she was married to [REDACTED]; and 6) a document, issued on 21 October 1943 in Melbourne, Australia, recording the Claimant's change of name from [REDACTED] to [REDACTED].

The Claimant stated that she was born on 11 September 1917 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Grete Steiner who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 20 June 1935, and was held in United States Dollars.

The Bank's record indicates that the account was closed on 10 April 1939, but the record does not show to whom the account was paid, nor does this record show the value of the account. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as if 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Grete Steiner, numbered 25777. These records indicate that *Frau* (Mrs.) Grete Steiner was born on 3 October 1891, that she was married to *Ing.* (Engineer) [REDACTED], that she was Jewish, and that she resided at Stiftgasse 5-7 in Vienna VII. Grete Steiner reported assets, including an Austrian municipal bond denominated in Swiss Francs ("SF") worth 1,473.33 Reichsmark, but did not indicate where this asset was held. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's marital status and city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including a copy of her mother's birth certificate, documenting that her name was Grete Trebitsch, and that she was born in Vienna, Austria; 2) a copy of her parent's marriage certificate, stating that they were married in Vienna, Austria; a copy of her own birth certificate, stating that she was born in Vienna, Austria, and that her mother was Grete Steiner, née Trebitsch, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Grete Steiner appears only once on the February 2001 published 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"). The CRT also notes that the information provided by the Claimant matches information from the 1938 Census regarding Grete Steiner.

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Gustav Trebitsch, the father of her mother, Grete Steiner, née Trebitsch, prior to the publication in February 2001 of 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 there are no other claims to this account. Taking all of 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 in 1938 she fled Austria for Australia in order to avoid Nazi persecution. The Claimant further stated that the Account Owner's father was imprisoned and later perished in Theresienstadt in 1942.

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 and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include a copy of her birth certificate and her own marriage certificate, both showing that her mother was Grete Steiner, née Trebitsch. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record; that the Claimant filed an ATAG Ernst & Young claim form in 1998, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted copies of her mother's birth certificate and her parent's marriage certificate, showing that her mother was Grete Steiner, née Trebitsch, of Vienna. The CRT notes that it is plausible that these documents are documents which most likely only a family member 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.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 10 April 1939, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety, that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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, and given the application of Presumptions (h) 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 her 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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 demand deposit 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a demand deposit account was SF 2,140.00. 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 26,750.00.

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
9 March 2005