

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3], [REDACTED 4], [REDACTED 5] and
[REDACTED 6]
represented by [REDACTED 7]

in re Account of Hedy Steiner

Claim Numbers: 004653/GO; 209215/GO; 209216/GO; 209217/GO^{1, 2, 3, 4}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”), and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Hedy Steiner (the “Account Owner”) at the Biel 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.

¹ Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted one additional Claim Form, which was registered under the Claim Number 100054. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 004653.

² Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted two Claim Forms, which were registered under the Claim Numbers 209215 and 209218. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 209215.

³ In a separate decision, the CRT awarded the accounts of Salomon Steiner and Helene Steiner to the Claimants. See *In re Accounts of Salomon Steiner and Helene Steiner* (approved on 25 October 2002). In two separate decisions, the CRT treated Claimant [REDACTED 1]’s claims to the accounts of Hermann Steiner and Ernst Steiner, respectively. See *In re Account of Hermann Steiner* (approved on 13 May 2005) and *In re Accounts of Ernst Steiner* (approved on 15 July 2005), respectively.

⁴ Claimant [REDACTED 2] submitted one additional claim to the account of Lina Steiner, which is registered under the Claim Number 209216. The CRT will treat this claim in a separate determination.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his mother, Irena (Irene, Idel, Edy, Hedy) Streicher, née Steiner, who was born on 17 June 1915 in Gyömöre, Hungary and was married to [REDACTED]. Claimant [REDACTED 1] indicated that his parents were Jewish and that they had five children, namely: himself, (Claimant [REDACTED 1]), [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. Claimant [REDACTED 1] further indicated that his mother died in 1990 in Jerusalem, Israel.

Claimant [REDACTED 1] submitted copies of documents, including: (1) his grandparents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 7 September 1897 in Gyömöre; (2) his father's passport, indicating that [REDACTED] was born on 19 April 1910 in Mattersburg, Austria, and that he resided in Jerusalem, Palestine (today, Israel); (3) his father's application for a Palestinian certificate of naturalization, issued on 4 December 1946 in Jerusalem, indicating that [REDACTED] was married to Irena Streicher, née Steiner, and that they had five children, namely: [REDACTED], [REDACTED], [REDACTED 1], [REDACTED] and [REDACTED]; and (4) an affidavit, signed on 12 March 2003 by [REDACTED], née [REDACTED], indicating that [REDACTED 1]'s mother, Irena Streicher, née Steiner, was referred to as Hedy.

Claimant [REDACTED 1] indicated that he was born on 5 November 1938 in Jerusalem.

Claimant [REDACTED 2]

Claimant [REDACTED 2], who is Claimant [REDACTED 1]'s cousin, submitted Claim Forms identifying the Account Owner as her mother, Helene (Hedy, Hedi, Ilona, Elena, Chayla) Herzog, née Steiner, who was born on 16 January 1913 in Gyömöre and was married to [REDACTED] on 11 March 1931 in Gyömöre. Claimant [REDACTED 2] indicated that her parents were Jewish and that from 1931 they resided at 132 Stefanica Street in Vrbove, Czechoslovakia (today Slovakia). Claimant [REDACTED 2] indicated that, in 1944, her mother was deported to Auschwitz, where she perished on 28 April 1945.

Claimant [REDACTED 2] provided copies of documents, including: (1) her mother's school report card, indicating that Helen Steiner was Jewish, that she was born on 16 January 1913 and that she resided in Gyömöre; (2) her parents' marriage certificate, indicating that [REDACTED] and Ilona Steiner were Jewish and that they were married on 3 November 1931 in Gyömöre;⁵ (3) her brother's birth certificate, indicating that [REDACTED 3] was Jewish, that he was born on 11 September 1932 and that [REDACTED] and Helena Steinerova were his parents;⁶ (4) her sister's birth certificate, indicating that [REDACTED 6] was Jewish, that she was born on 29 August 1937 in Vrbove and that [REDACTED] and Helena Steiner were her parents; (5) her own birth certificate, indicating that [REDACTED 2] was Jewish, that she was born on 23

⁵ The CRT notes that [REDACTED] and [REDACTED] are variations of the same name.

⁶ The CRT notes that the ending -ova is a common ending for Czech and Slovak feminine surnames and that, accordingly, the surname Herzogova corresponds with the surname Herzog.

January 1939 in Vrbove, and that [REDACTED] and Elena Steiner were her parents; (6) her brother's birth certificate, indicating that [REDACTED 5] was Jewish, that he was born on 16 December 1941 in Vrbove, and that [REDACTED] and Elena Steiner were his parents; (7) her mother's death certificate, indicating that Helena Herzogova resided in Vrbove; that she perished on 28 April 1945 in Auschwitz, and that [REDACTED] and [REDACTED] were her parents (8) her brother's Jewish marriage certificate, indicating that [REDACTED 4] and [REDACTED] were married on 21 February 1960, and that [REDACTED] and Hedy Steiner were [REDACTED 4]'s parents.

Claimant [REDACTED 2] indicated that she was born on 23 January 1939 in Vrbove. Claimant [REDACTED 2] is representing her siblings, namely: her brother, [REDACTED 3], who was born on 11 September 1932 in Vrbove; her brother, [REDACTED 4], who was born on 18 June 1936 in Vrbove; her brother, [REDACTED 5], who was born on 16 December 1941 in Vrbove; and her sister, [REDACTED 6], née [REDACTED], who was born on 29 August 1937 in Vrbove.

Information Available in the Bank's Record

The Bank's record consists of a report from 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"). According to this record, the Account Owner was Hedy Steiner. The auditors' report does not indicate the Account Owner's domicile. The auditors' report indicates that the Account Owner held an account, the type of which is not indicated. The auditors' report further indicates that the account was transferred on 25 November 1986 to a suspense account. The amount in the account on the date of its transfer was 47.55 Swiss Francs ("SF"). The account remains suspended.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' mothers' names each match the published name of the Account Owner. The CRT notes that both Claimants indicated that their mothers used "Hedy" as an alternative name, even though their "official" names were not "Hedy." The CRT notes that the auditors' report does not contain any specific information about the Account Owner other than her name.

In support of their claims, the Claimants submitted copies of documents. Claimant [REDACTED 2]'s submitted her brother's marriage certificate, indicating that [REDACTED 4]'s mother was Hedy Steiner, and providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the auditors' report as the name of the Account Owner.

Claimant [REDACTED 1] submitted a copy of a relative's affidavit, indicating that his mother, Irena Streicher, née Steiner, was referred to as Hedy, which provides independent verification that the person who is claimed to be the Account Owner had the same name recorded in the auditors' report as the name of the Account Owner.

The CRT notes that the name Hedy Steiner appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT notes that even though the Claimant's are related, Claimant [REDACTED 2]'s relative and Claimant [REDACTED 1]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the auditors' report; that there is no additional information in the auditors' report which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 2] and Claimant [REDACTED 1] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that the Account Owner was Jewish. Claimant [REDACTED 2] indicated that her mother resided in Nazi-occupied Czechoslovakia, and that in 1944 she was deported to Auschwitz, where she perished on 28 April 1945. Claimant [REDACTED 2] also submitted her mother's death certificate, indicating that Helena Herzogova perished on 28 April 1945 in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s mother. These documents include: Claimant [REDACTED 1]'s father's application for a Palestinian certificate of naturalization, indicating that Irena Streicher, née Steiner, was his mother and Claimant [REDACTED 2]'s birth certificate, indicating Elena Herzog, née Steiner, was her mother. The CRT notes that Claimant [REDACTED 1] indicated that he has another surviving relative, but that because she is not represented in Claimant [REDACTED 1]'s claim, the CRT will not treat her potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The auditors' report indicates that the account was suspended on 25 November 1986 and remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 2] and the parties she represents. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s mother and the mother of Claimant [REDACTED 2]'s and the parties she represents 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 of unknown type. The auditors' report indicates that the value of the account as of 25 November 1986 was SF 47.55. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 665.00, which reflects standardized bank fees charged to the account between 1945 and 1986. Consequently, the adjusted balance of the account at issue is SF 712.55. According to Article 29 of the Rules, if the amount in an account of unknown type 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 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. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] and the parties she represents, [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6], are entitled to share the other half of the Award amount.

With respect to the portion of the award designated to Claimant [REDACTED 2] and the parties she represents, [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6], according to the 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. In this case, Claimant [REDACTED 2] is

representing her siblings, namely: her brothers, [REDACTED 3], [REDACTED 4], [REDACTED 5], and her sister, [REDACTED 6]. Accordingly, Claimant [REDACTED 2] and the parties she represents, [REDACTED 3], [REDACTED 4], [REDACTED 5] and [REDACTED 6] are each entitled to one-fifth of this share of the Award, or one-tenth each 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
18 December 2007