

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Andras Hodos and Frigyesné Ilona Deveny

in re Account of Jules Steiner

Claim Numbers: 211033/AY; 211661/AY¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Frigyesné Ilona Deveny, née Steiner (“Claimant Deveny”) and upon the claim of Andras Hodos (“Claimant Hodos”) (together the “Claimants”) to the account of Khatharina Steiner² and to the account of Gyula (Jules) Steiner. This Award is to the account of Jules Steiner (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 has been redacted.

Information Provided by the Claimants

Claimant Deveny submitted a Claim Form identifying the Account Owner as her father, Gyula (also known as) Jules Steiner, who was born to Simon and Betti Steiner on 3 March 1879 in Söjtör, Hungary. Claimant Deveny stated that Gyula Steiner was married to Sarolta Rosinger in November 1910, and that the couple had two children: Claimant Deveny, who was born in 1911 in Magyargencs, Hungary, and Katalin, who was born in 1913 in Magyargencs. Claimant Deveny also stated that her father, who was Jewish, was a bank manager and shareholder at a bank named *Ertekforgalmi Bank RT*, located in Budapest, Hungary where he lived from 1933 until 1944 when he was deported by the Nazis to the Budapest Ghetto. Claimant Deveny indicated that her father’s business was looted and destroyed by the Nazis, but that because the Swiss embassy in Budapest gave him a Swiss collective passport, he survived the Holocaust. According to the information provided by Claimant Deveny, her father died in Budapest in 1970, her mother predeceased her father, and her sister, Katalin Hodos, née Steiner, died in 1997. Claimant Deveny submitted copies of her birth certificate and her passport, which show she is the daughter of Gyula Steiner; her father’s death certificate, which shows his connection to Budapest; and a certificate of registration in a Swiss collective passport (also known as a *Schutzpass* [protective pass] among victims or targets of Nazi persecution), issued by the Swiss Embassy of Budapest on 23 October 1944.

¹ Claimant Deveny submitted an additional claim to the account of Geza Vadasz, which is registered under the Claim Number 203480. The CRT will treat the claim to this account in a separate decision.

² The CRT will treat the claim to this account in a separate decision.

Claimant Hodos filed a Claim Form identifying the Account Owner as his maternal grandfather and stating that he is the son of Khatharina (Katalin) Hodos, née Steiner. Claimant Hodos submitted his mother's birth and death certificates, showing she was the daughter of Gyula Steiner, his birth registry indicating he is the son of Katalin Steiner, and his mother's probate order certifying that he is her only heir. Claimant Hodos stated that he was born on 13 February 1951 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of a list of numbered accounts from 1939 and a list of dormant accounts from 1959. According to these records, the Account Owner was Jules Steiner, who resided in Budapest, Hungary. The Bank's records indicate that the Account Owner held a numbered demand deposit account, numbered 66762, in Pounds Sterling. The Bank's record indicates that the last contact with the Account Owner took place in 1939. According to the Bank's records, the balance of the account as of 7 September 1959 was 32.12 Pounds Sterling.

The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 records that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 claims of Claimant Hodos and Claimant Deveny in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner as the father of Claimant Deveny and the grandfather of Claimant Hodos. Their relative's name and place of residence match the published name and place of residence of the Account Owner. In support of their claims, the Claimants submitted numerous documents, including the Account Owner's death certificate and certificate of registration in a Swiss collective passport (or *Schutzpass*), issued by the Swiss Embassy in Budapest, indicating that the Account Owner resided in Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same

last name and resided in the same city recorded in the Bank's records as the last name and city of residence of the Account Owner. As regards the Account Owner's first name, the CRT notes that the Hungarian name Gyula has no direct equivalent in any of the languages spoken in Switzerland, and that the Hungarian name Gyula as well as the French name Jules are derivations of the Roman name Julius; therefore, the French name Jules would serve as an approximation for the Hungarian name Gyula in Switzerland. Moreover, the CRT notes that no other claims were filed for this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Deveny stated that the Account Owner was Jewish, that he was deported to the Ghetto in Budapest, and that his business was looted by the Nazis.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. Claimant Deveny submitted her birth certificate demonstrating that she is the Account Owner's daughter, and Claimant Hodos submitted his mother's birth certificate and his mother's probate order, demonstrating that he is the Account Owner's grandson. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the account remained open after the Second World War; that the Account Owner resided in Communist Hungary after the War; 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 from the Bank after the Second World War 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), (i) and (j), as provided in Article 28 of 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 Claimants. 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 Deveny's father and Claimant Hodos' grandfather, and those relationships justify 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 demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 7 September 1959 was 32.12 Pounds Sterling, which was the equivalent of 393.29 Swiss Francs.³ According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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 26,750.00 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. In this case, the Claimant Hodos is Claimant Deveny's nephew, the son of the Account Owner's daughter Katilin; thus, Claimant Hodos takes his mother's share in the award. Accordingly, Claimant Deveny and Claimant Hodos 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
December 31, 2003

³ The CRT used official exchange rates in calculating this amount.