

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1], also representing [REDACTED 2] and [REDACTED 3]

### **in re Account of Juliane Steiner**

Claim Number: 220025/PY<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Juliane 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his maternal great-uncle’s mother-in-law, Juliane Steiner, née Berl, who was married to Filipp Steiner. The Claimant stated that his maternal grandmother, [REDACTED], was the sister of Julian Steiner’s son-in-law, [REDACTED]. The Claimant stated that Juliane Steiner was born on 8 January 1881 in Asparn, Austria, and was married to Filipp Steiner in 1899. The Claimant indicated that the couple resided in Vienna, where they managed a business for ready-made ladies’ garments, called *M. Liebermann Nachf.* in Alserstrasse 44. The Claimant further indicated that Juliane and Filipp Steiner had one daughter, [REDACTED], who was born on 6 October 1900. The Claimant indicated that Filipp Steiner was appointed as a counselor of the Viennese Chamber of Commerce, as the chairman of various organizations, as an arbitrator at the Vienna stock exchange, and as a commercial counselor of the *Central Savings Bank of Vienna*. The Claimant further stated that Juliane and Filipp Steiner’s son-in-law, [REDACTED], traveled extensively to Switzerland, including a trip on 29 June 1939, and deposited family assets there. The Claimant stated that in 1939, Juliane and Filipp

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<sup>1</sup> The Claimant submitted three additional claims to the accounts of [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 216019, 220023, 220024 and 220026. The CRT has determined that the claims which were registered under Claim Numbers 216019 and 220024 are duplicates and is treating them under the consolidated Claim Number 216019. The CRT previously issued to the Claimant a Certified Award to an account owned by [REDACTED], which was approved by the Court on 15 May 2003. See In re Account of [REDACTED]. In a previous decision based, in part, on the Claimant’s Claim Number 216019, the CRT awarded the account of [REDACTED] ([REDACTED]’s sister) to another claimant, who, as a direct descendant of Account Owner [REDACTED], was determined to be better entitled to the proceeds of that account. See In re Account of [REDACTED], approved by the Court on 2 January 2003. The Claimant’s other claims will be adjudicated in separate decisions.

Steiner, who were Jewish, fled to the United Kingdom to avoid Nazi persecution, and then moved to the United States in 1946. The Claimant stated that Filipp Steiner died on 3 July 1949, Juliane Steiner died on 16 October 1955, and [REDACTED] died on 26 May 1991, all in New York, New York, the United States.

In support of his claim, the Claimant [REDACTED 1] submitted numerous documents, including copies of Juliane and Filipp Steiner's German identity cards, issued in Vienna, and indicating their names; their British identity cards, with their names, photographs and signatures, indicating their arrival in Britain in 1939 and listing Switzerland as their prior residence; their resumé's, written in April 1939 in Vienna; copies of their wills signed on 28 August 1947, in which [REDACTED] is named as their heir; [REDACTED]'s German and British identity cards; [REDACTED]'s birth certificate, indicating that her parents were Filipp and Julianna Steiner, and that she was born in Vienna; [REDACTED]'s death certificate; [REDACTED]'s will which named her late husband's niece, [REDACTED] (the Claimant's mother), as her heir, and in the case of [REDACTED]'s death, her children, the Claimant and his sister; [REDACTED]'s Swiss foreign resident's pass, issued on 31 August 1939, indicating that his wife was [REDACTED]; the Claimant's and his sister's birth certificates, indicating that their mother was [REDACTED]; and [REDACTED]'s death certificate, indicating that she died on 15 November 2000.

The Claimant indicated that he was born on 9 June 1957 in New York. The Claimant is representing his sister, [REDACTED 3], née [REDACTED], who was born on 12 August 1954, and his father, [REDACTED 2], who was born on 6 November 1913, both in New York.

### **Information Available in the Bank's Records**

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Juliane Steiner and the Power of Attorney Holder was her husband, Filipp Steiner, who both resided at Alserstrasse 44 in Vienna IX/2, Austria. The Bank's records indicate that the Account Owner held an account, but do not indicate its type. The power of attorney form was signed on 19 July 1931, in Vienna, by the Account Owner and the Power of Attorney Holder, who held the title *Kammer- & Kommerzial-Rat* (High Commercial Advisor).

A bank stamp indicates the closure of the account without indicating the date of closure. 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") 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, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

### **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents,

submitted on 12 July 1938 and on 15 March 1939 in Vienna, concerning the assets of Juliane Steiner, who was born on 8 January 1881, resided at Hebragasse 4/10 in Vienna IX, and was married to the businessman Filipp Steiner, who owned the company *Fa. M. Liebermann Nachf.* The records indicate that Juliane Steiner was the co-owner of a building at Alserstrasse 44 in Vienna IX, then valued at 119,253.00 Reichsmarks, and a villa at Helenenstrasse 39a in Baden, Austria, valued at 23,870.00 Reichsmarks, which in an apparent aryanization proceeding was sold to Eduard and Marie Anna Strauss for 20,700.00 Reichsmarks, the proceeds going to the creditors of the company, *Fa. M. Liebermann Nachf.* The records also indicate that Juliane Steiner owned jewelry, precious metals and other assets, which were sold at the Doretheum, the auction house at which most Jewish-owned valuables were sold. Her gross assets as of 15 March 1939 were reported as consisting solely of her share of the Alserstrasse property less the mortgage on that property, approximately 36,800.00 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His great-uncle's parents-in-law's names match the published names of the Account Owner and the Power of Attorney Holder. The Claimant's relatives' city of residence matches the published city of residence of the Account Owner. The Claimant identified the fact that his relatives were married, which matches unpublished information in the Bank's records and in the Austrian State Archive about the relationship between the Account Owner and the Power of Attorney Holder. The Claimant also identified his relatives' business address in Vienna, which matches unpublished information in the Bank's records and the information available from the Austrian State Archive. In addition, the Claimant identified Filipp Steiner's various positions in the Viennese Chamber of Commerce, the Vienna stock exchange and the *Central Savings Bank of Vienna*, which is consistent with unpublished information about the titles held by the Power of Attorney Holder contained in the Bank's records. In support of his claims, the Claimant submitted documents, including copies of Juliane and Filipp Steiner's German identity cards, issued in Vienna and indicating their names; copies of their resumés, written in April 1939 in Vienna; their British identity cards, with their names, photographs and signatures, indicating their arrival in Britain in 1939 and listing Switzerland as their prior residence; and [REDACTED]'s birth certificate, indicating that she was born in Vienna and that her parents were Filipp and Julianna Steiner. Finally, the Claimant submitted samples of Juliane and Filipp Steiner's signatures, which match the signature samples contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Juliane Steiner, and indicates that her place of residence was Vienna, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

### 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 his relative was Jewish, and fled from Austria to the United Kingdom in 1939. As noted above, a person named Juliane Steiner was included in the CRT's database of victims and in the Austrian State Archives records.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that he is the great-nephew of the Account Owner's son-in-law. These documents include the birth certificate of [REDACTED], indicating that her parents were Filipp and Julianna Steiner; [REDACTED]'s Swiss foreign resident's pass, indicating that his wife was [REDACTED]; [REDACTED]'s will, naming her late husband's niece, [REDACTED] (the Claimant's mother) as her heir, or in the event that [REDACTED] predeceased her, the Claimant and his sister; and the birth certificates of the Claimant and his sister, indicating that their mother was [REDACTED].

#### The Issue of Who Received the Proceeds

Given that the Account Owner and her spouse, who was the Power of Attorney Holder, fled Austria for the United Kingdom in 1939, after the Nazi annexation of Austria in March 1938; that Nazi confiscatory legislation was in effect at the time the Account Owner and her spouse fled; that there is no record of a date of closure of the account, nor any record of the payment of the Account Owner's account to her or her heirs; that the Account Owner or her heirs would not have been able to obtain information about her account after the Second World War from the Bank 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, the Power of Attorney Holder, or their 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 his great-uncle's mother-in-law, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

### Division of the Award

According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. The Claimant submitted Juliane Steiner's will, which names her daughter [REDACTED] as her heir, and [REDACTED]'s will, which names the Claimant's mother, [REDACTED], as her heir, or in the event that [REDACTED] predeceased her, [REDACTED]'s children, the Claimant and his sister. The CRT notes that [REDACTED] did not predecease [REDACTED] and therefore was solely entitled to the Estate of [REDACTED]. The CRT further notes that the Claimant did not provide [REDACTED]'s will or other inheritance documents, naming him, his father and his sister as her heirs. Article 23(1)(g) of the Rules provides that if none of the persons entitled to an award under Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. The Claimant is representing his father and his sister. The CRT notes that the Claimant, his father and his sister are all related to the Account Owner by marriage. However, the CRT notes that the Account Owner's heir was [REDACTED], and that [REDACTED] in turn named [REDACTED] or her children, the Claimant and his sisters, as her heirs. Therefore, the CRT determines that the Claimant and his sister have a better entitlement to the Award than their father. Accordingly, the Claimant and his sister, [REDACTED 3], are each entitled to one-half of the total award amount.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
8 June 2004