

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Frank Steiner

## **in re Account of Nelly Steiner**

Claim Number: 203161/FC

Award Amount: 207,000.00 Swiss Francs

This Certified Award is based upon the claim of Frank Steiner (the “Claimant”) to the account of Friedrich Steiner. The award is to the account of Nelly Steiner (the “Account Owner”) at the Zurich branch of 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 is redacted.

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

The Claimant submitted a Claim Form and an Initial Questionnaire asserting that his father, Friedrich Steiner, held an account at a Swiss bank. The Claimant further indicated that his father, an executive of the Austrian Railways Company, was born in Vienna, Austria, on 8 June 1880 and married Nelly Steiner, née Sinaiberger, who was born on 6 April 1890. According to the Claimant, his parents lived in Vienna at Neulinggasse 16 for thirteen years and at Esslinggasse for one year. The Claimant further stated that he was born in Ivancice, Czechoslovakia, on 2 July 1912 and that his only brother, Hans Steiner, died in 1941.

The Claimant indicated that his father was Jewish and that he and his spouse, Nelly Steiner, were deported to Minsk in November 1941. The Claimant stated that his parents were never heard of again.

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

The bank records related to this account consist of a list of accounts transferred to Austrian or German banks in 1938 and printouts from the Bank’s database. According to these records, the sole Account Owner was Nelly Steiner, who lived in Vienna, Austria, and the Power of Attorney Holder was Friedrich Steiner, who also lived in Vienna. The bank records indicate that the Account Owner held a custody account.

The account was transferred to the “*Zentral-Europäischen Länderbank*,” which is located in Vienna, Austria, on 22 April 1938 and closed on 25 April 1938. The amount in the account on the date of its transfer was 18,000.00 Swiss Francs. 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 determined that the amount in the account had been paid to the Nazi authorities.

### **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 Archives (Archive of the Republic, Finance), are documents concerning the assets of Nelly Steiner. These records indicate that Nelly Steiner was born on 6 April 1890, that she was married to Dr. Friedrich Steiner, that she was Jewish, and that she resided at Neulinggasse 16 in Vienna, Austria. According to this documents, Nelly Steiner registered with the Nazi Authorities various foreign securities. It is however not indicated whether these securities were held abroad. Specifically, there is no indication that these securities were held in a Swiss bank account.

### **The Tribunal’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother’s name and city of residence match the published name and city of residence of the Account Owner recorded in the bank documents. Further, the Claimant indicated that his father was Friedrich Steiner, who lived in Vienna, Austria, which matches the published name of the Power of Attorney Holder, as well as his unpublished city of residence. The Claimant also indicated that his parents lived at Neulinggasse 16 in Vienna and that his mother was born on 6 April 1890, which exactly matches Nelly Steiner’s street address and date of birth contained in the records of the Austrian State Archives. The Tribunal notes that it is plausible that the Account Owner and the Power of Attorney Holder are the same persons as the Nelly and Friedrich Steiner referred to in the Austrian State Archive records. Specifically, the Account Owner and the Power of Attorney holder lived in Vienna, Austria, which matches the city and country of residence of Nelly and Friedrich Steiner. Moreover, the name of Nelly Steiner’s spouse as indicated in the Austrian State Archive records matches the name of the Power of Attorney Holder according to the bank records.

#### 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 father was Jewish and that he and his spouse, the Account Owner, were deported to Minsk in November 1941 and were never heard of again. Moreover, the Tribunal notes that a database containing the names of victims of Nazi persecution includes persons named Friedrich Steiner and Nelly Steiner, and indicates that their dates of birth were 8 June 1880 and 6 April 1890, respectively, which matches the information about the

Account Owner and the Account Owner's spouse provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning his relationship to the Account Owner.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or her heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owner or his family there is a substantial likelihood that these funds went to the Nazis.

In this case, the bank documents show that the account was transferred to the Nazi-controlled *Zentral-Europäischen Länderbank* in April 1938. Therefore, it is clear that the Account Owner or her heirs have not received the proceeds of the account.<sup>1</sup>

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<sup>1</sup> In reaching this conclusion, the Tribunal is relying in part on research cataloguing more than forty different laws, acts, and decrees used by the Nazi Regime to confiscate Jewish assets abroad. After the annexation of Austria, German laws were extended to apply there as well, and these laws applied to foreign assets of Austrian citizens as a result of a law promulgated on 23 March 1938. Although many of the laws were facially non-discriminatory, the Nazi Regime enforced these laws on a discriminatory basis against Jewish asset holders. These laws included, for example, increasingly stringent registration and repatriation requirements for assets held outside the Reich and special confiscatory taxes for emigrants who wished to flee. After the occupation of Austria, wholesale and systematic Nazi expropriations of Jewish assets held in Swiss banks and elsewhere were widespread. A decree dated 26 April 1938 required Jews to register their assets, and subsequent to that date the Nazi Regime began to enact legislation and orders to repatriate and confiscate foreign assets both for Jews who sought permission to flee the Reich and for those unable to flee. A listing of the principal laws invoked by the Nazi Regime in specific confiscatory situations appears at the CRT-II website, [www.crt-ii.org](http://www.crt-ii.org).

Basis for the Award

The Tribunal 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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, the Tribunal has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the custody account as of 22 April 1938 was 18,000.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic value by a factor of 11.5, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 207,000.00 Swiss Francs.

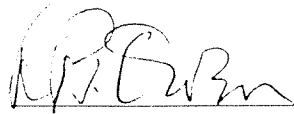
**Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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 Tribunal certifies this Award for approval by the Court and payment by the Special Masters.

26 March 2002  
Date

  
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Roberts B. Owen  
Senior Claims Judge