

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Dr. Walter Friedrich

## **in re Account of Dora Steininger**

Claim Number: 501332/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Dora Steininger (the “Account Owner”), over which Max Steininger (the “Power of Attorney Holder”) held power of attorney, 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 a Claim Form identifying the Account Owner as his maternal aunt, Dora Steininger, née Breuer, and the Power of Attorney Holder as his aunt’s husband, Max Steininger. The Claimant stated that his aunt was born on 23 November 1883, and his uncle was born on 18 April 1882. The Claimant stated that his uncle and aunt, who were Jewish, resided in Vienna, Austria at Hofstattgasse 3. The Claimant indicated that his aunt died on 20 March 1932 and that his uncle died on 28 May 1938. Though the Claimant did not explain the circumstances of his uncle's death, the Claimant stated that he died in Vienna.

In support of her claim, the Claimant submitted: a certificate issued by the district court of Döbling, Vienna, confirming the death of Dora Steininger, née Breuer, and stating that she was survived by her husband Max Steininger; a letter from a notary, dated 4 August 1944, confirming that Dora Steininger's heirs, in equal shares, were her widower, Max Steininger, who resided at Hofstattgasse 3, Vienna and her sister, Dr. [REDACTED], née [REDACTED], who resided in Vienna, and that the heirs of Max Steininger, who died on 28 May 1938, were Dr. [REDACTED]’s son, [REDACTED] (the Claimant), who resided in Vienna, and [REDACTED], [REDACTED] and [REDACTED]; a certificate confirming the death of Max Steininger, who resided at Hofstattgasse 3, Vienna, showing that his wife was Dora Steininger, née Breuer, and that he had a sister [REDACTED]; Max Steininger's will and a certificate issued by the district court in Mödling, documenting that Max Steininger's heirs were [REDACTED], [REDACTED],

[REDACTED] and [REDACTED]; the death certificate of Dr. [REDACTED], née [REDACTED], stating that she died in Vienna; and a court-issued certificate dated 23 April 1974, declaring that the sole heir of Dr. [REDACTED], who died intestate, was her son, the Claimant.

The Claimant stated that he was born on 6 May 1923 in Vienna.

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

The Bank's records consist of a power of attorney form and a declaration of consent signed by the Account Owner's husband, both dated 18 October 1930, and printouts from the Bank's database. According to these records, the Account Owner was Dora Steininger, née Breuer, and the Power of Attorney Holder was Max Steininger, the Account Owner's husband, both of whom resided at Hofstattgasse 3, Vienna, Austria. The Bank's records indicate that the Account Owner held an account that was opened in 1930, the type of which is not indicated.

The Bank's records indicate that the account was closed, but the date of closure is not recorded. The value of the account is not known.

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.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal aunt's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant's uncle's name matches the published name of the Power of Attorney Holder. The Claimant identified the Account Owner's street address, and the relationship between the Account Owner and the Power of Attorney Holder, which match unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his aunt's death certificate, showing her name was Dora Steininger, née Breuer and that she was survived by her husband Max Steininger; a court-issued certificate, stating that Dora Steininger's heirs, in equal shares, were her husband, Max Steininger, and her sister, Dr. [REDACTED]; Max Steininger's death certificate, showing that he resided in Vienna at Hofstattgasse 3, and Max Steininger's will. These documents provide independent verification that the persons who are claimed to be the

Account Owner and the Power of Attorney Holder had the same names, resided at the same address, and had the same relationship recorded in the Bank's records as the names, address, and relationship of the Account Owner and the Power of Attorney Holder.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Max Steininger, and indicates that his date of birth was 18 April 1883, which substantially matches the information about the Power of Attorney Holder provided by the Claimant.<sup>1</sup> 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 CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's heir, her husband, was a Victim of Nazi Persecution. The Claimant stated that the Account Owner's husband, Max Steininger, was Jewish, and that he resided in Nazi-controlled Austria.

As noted above, a person named Max Steininger was included in the CRT's database of victims.

#### 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 the Account Owner was the Claimant's maternal aunt. These documents include a letter from a notary, dated 4 August 1944, indicating that Dora Steininger's heirs were her husband, Max Steininger, and her sister, Dr. [REDACTED], née [REDACTED], and a court-issued certificate, indicating that Dr. [REDACTED]'s sole heir was her son, the Claimant. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner's 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

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<sup>1</sup> The CRT notes that the Claimant indicated his uncle's date of birth as 18 April 1883, while the information in the CRT's database of victims indicates that Max Steininger was born on 18 April 1882. The CRT finds that this is a minor discrepancy which does not affect the Claimant's identification of the Account Owner and the Power of Attorney Holder.

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 aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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 an 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 ("SF"). 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 49,375.00.

### **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 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  
9 March 2005