

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Alice Stern

Claim Numbers: 210991/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Richard Hirsch.¹ This Award is to the published accounts of Alice Stern (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 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 asserting that her father, Richard Hirsch, owned a Swiss bank account. In telephone conversations with the CRT on 27 September 2002 and on 9 April 2003, the Claimant identified the Account Owner as her paternal great-aunt, Alice Stern, née Hirsch. The Claimant indicated that her paternal grandfather, [REDACTED], was born on 1 April 1879 and had several brothers and sisters: Alice Stern, née Hirsch, [REDACTED], née [REDACTED], [REDACTED], and [REDACTED], née [REDACTED]. The Claimant indicated that her father’s aunt resided in the family’s mansion in Vienna, Austria, with many other relatives, including the Claimant’s grandparents, [REDACTED] and [REDACTED]. The Claimant stated that she does not know the exact fate of her great-aunt or of her other family members on her father's side during the Second World War, except that they were all Jewish and were forced to flee Austria due to Nazi persecution. The Claimant stated that all her family’s assets were confiscated by the Nazi regime, including the family's mansion and country house in Austria, her family’s successful furniture business, and a significant amount of artwork and jewelry. In support of her claim, the Claimant submitted her father’s birth certificate, showing that his name was Richard Hirsch, that his father was [REDACTED], and that Richard Hirsch was born in Vienna, and her own birth certificate, showing that Richard Hirsch was her father and that she was born in Vienna.

¹ The CRT has previously awarded the account of Richard Hirsch to the Claimant. See *In re Account of Richard Hirsch* (approved on 5 September 2002).

The Claimant stated that she was born on 26 January 1935 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Alice Stern who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account and a custody account numbered L43674.

The Bank's record indicates that the demand deposit account was closed on 11 April 1938, and that the custody account was closed on 30 November 1938. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alice Stern, née Hirsch, numbered 05576. These documents indicate that Alice Stern was born on 21 September 1871, that she was the widow of Dr. [REDACTED], who held the title of *Hofrat* (a "court counselor"), and that she resided at Obere Donaustrasse 73 in Vienna II, Austria, a property of which she was part-owner. These documents also show that Alice Stern's total reported assets were figured at 88,790.00 Reichsmark ("RM"), that as of 18 April 1939 she was assessed flight tax (*Reichsfluchtsteuer*) of RM 18,197.00 and atonement tax (*Judenvermögensabgabe*) of RM 16,000.00. The records also contain correspondence starting 10 November 1938, in which Alice Stern reports that two men in SA uniform entered her home and seized valuables totaling RM 23,900.00. The records make no mention of assets held in a Swiss bank.

The CRT's Analysis

Identification of the Account Owner

The Claimant's relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant indicated that her great-aunt's maiden name was Hirsch, which matches information contained in the Austrian State Archive as well as unpublished information in the Bank's records, which indicate that the Account Owner was known as Mrs. Stern.

The CRT notes that other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner.

Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 the Account Owner was Jewish, and that the Account Owner was forced to flee Austria due to Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her relative.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted her father's and her own birth certificate, which provide independent verification that the Claimant's relatives bore the same family name and resided in the same city as the Account Owner. Finally, the CRT notes that the information provided by the Claimant is of the type that family members would possess and indicates that the Account Owner was known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her correspondence with the CRT.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account was closed on 11 April 1938, and that the custody account was closed on 30 November 1938.

Given that the Claimant's great-aunt was forced to flee Austria due to Nazi persecution; that both accounts were closed after the incorporation of Austria into the Reich (the "*Anschluss*"); that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about her accounts 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 or her 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 her great-aunt, and that

relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”) and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

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 her claims to determine whether there are additional Swiss bank accounts to which she 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
23 February 2006