

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Edith Straus¹
represented by [REDACTED]

in re Accounts of Edith Strauss

Claim Number: 600048/PI²

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Edith Straus, née Flesch, (the “Claimant”) to the accounts of Edith Strauss (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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as herself, Edith Straus, née Flesch, who was born on 30 March 1908 in Vienna, Austria, and was married to [REDACTED] in April 1930, with whom she had one child, [REDACTED], who was born on 17 October 1937. The Claimant indicated that she is Jewish, and that she held Austrian and Czechoslovakian citizenship. The Claimant stated that she resided at Penzingerstrasse 116 in Vienna, and that she was the owner and manager of two retail knitwear stores and a knitwear factory, *Ludwig Flesch Strickmode*, located at Mariahilferstrasse 103 in Vienna. The Claimant further stated that she had business relationships in Switzerland and that bank accounts were held there under her name, her husband’s name, or under the name of her business.

¹ The CRT notes that the Claimant passed away on 14 October 2001.

² The Claimant submitted a claim, numbered B-02049, on 4 October 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred to the CRT and has been assigned Claim Number 600048/PI.

According to the Claimant's son, his parents were skiing in Switzerland when the Nazi occupation of Austria began (the *Anschluss*) in March 1938. The Claimant's son explained that in speaking to people in Vienna, his parents learned that the Nazis were looking for his father, the Claimant's husband, and as a result, he never returned to Vienna, eventually going to stay with the Claimant's uncle in Brussels. The Claimant's son further explained that between March 1938 and his arrival in Belgium, the Claimant's husband returned to Czechoslovakia to stay with his sister, before continuing to Brussels. Meanwhile, the Claimant returned to Vienna to save whatever possessions she could from being taken, however the Nazis came to the Claimant's home many times to make lists and confiscate property. The Claimant's son indicated that in December 1938, the Claimant obtained a tourist visa from the Belgian consulate in Vienna in preparation for joining her husband in Brussels. The Claimant's son further indicated that the Claimant, along with her husband and son, left for New York on 4 February 1939.

The Claimant indicated that her husband died in July 1957 in Rochester, New York, the United States. The Claimant submitted the Austrian State Archives records pertaining to herself; her Czech passport, identifying her address as Penzingerstrasse 116 in Vienna; and her husband's Czech passport. The Claimant's and her husband's passports are stamped in various locations in Switzerland between the years 1935 and 1938, and also contain visa stamps issued by Belgium in July 1938 and December 1938.

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.) Edith Strauss, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 31 March 1938, and a custody account, numbered L 59902, which was opened on 23 February 1938.

According to the Bank's record, the custody account was closed on 14 September 1938, and the demand deposit account was closed on 20 November 1952. The amount in the accounts on the dates of their closure is unknown. 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 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), there are documents concerning the assets of Edith Straus, numbered 3476. The records indicate that Edith Straus was born on 30 March 1908 and lived at Penzingerstrasse 116 in Vienna XIII. The records further indicate that Edith Straus owned real estate worth 16,258.00 Reichsmarks (1938 value), that her woolens business was valued at 39,996.66 Reichsmarks (1938 value), and that her business

was later Aryanized. In addition, the records indicate that Edith Straus held two savings accounts at the *Zivnostenska Banka* in Neubau worth 46,918.67 Reichsmarks (1938 value). The records also show that Edith Straus was assessed a “flight tax” (*Reichsfluchtsteuer*) of 16,619.00 Reichsmarks. These records do not indicate that Edith Straus held assets in a Swiss bank account.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s name matches the unpublished name of the Account Owner. The Claimant stated that she resided in Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank’s record. In support of her claim, the Claimant submitted the Austrian State Archives records pertaining to herself, Edith Straus; and her Czech passport, identifying her as Edith Straus and showing that she visited Switzerland in 1938, which matches the dates of opening of the accounts at issue. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank’s record as the name and city of residence of the Account Owner. The CRT notes that the Claimant’s last name is spelled differently from that of the Account Owner; however, the CRT has determined that the spelling discrepancy is not material or significant and notes that both spellings were used in the records of the Austrian State Archives pertaining to the Claimant. The CRT further notes that the 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 indicated that she is Jewish, that she lived in Nazi-occupied Austria in 1938, and that her company was Aryanized, and that she fled from Nazi persecution.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner.

The Issue of Who Received the Proceeds

Regarding the custody account, the facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and subsequently, their Swiss accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT’s precedent indicates that it is

plausible in such situations that the account proceeds were paid to the Nazis, and the application of Presumptions (a) 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 in this case were not paid to the Account Owner or her heirs.

Regarding the demand deposit account, the CRT will hold making a determination, pending further review of whether the Account Owner received the proceeds of the account.

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 she is the Account Owner. Finally, 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 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00 Swiss Francs.

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 claim 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
31 December 2003