

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Frank Eugene Strauss

## **in re Accounts of Heinrich Strauss**

Claim Number: 500636/IG

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of Frank Eugene Strauss (the “Claimant”) to the accounts of Heinrich Strauss (the “Account Owner”) at 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 has been redacted.

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

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Heinrich Strauss, who was born on 10 March 1880 in Heilbronn, Germany, and was married to Frieda Strauss, née Neumond. The Claimant stated that his grandfather, who was Jewish, resided at 5-9 Payerstrasse in Stuttgart, Germany, where he ran a business. The Claimant further stated that the Nazis shut down Heinrich Strauss’ business, and that he was forced to flee from Germany to New York, New York in 1939, where he remained until his death in 1945. The Claimant indicated that his grandparents had one child, Walter Strauss, the Claimant’s father. In support of his claim, the Claimant submitted his father’s birth certificate, identifying him as Walter Strauss, the son of Heinrich Strauss, and indicating that he was born in Stuttgart; his own birth certificate, identifying his father as Walter Strauss; and a family tree.

The Claimant indicated that he was born on 31 May 1935, in Stuttgart.

### **Information Available in the Bank’s Record**

The Bank’s record consists of a customer card. According to this record, the Account Owner was Heinrich Strauss, who resided in Stuttgart, Germany. The Bank’s record indicates that the Account Owner held a custody account, numbered 41710, as well as two demand deposit accounts, one of which was denominated in Swiss Francs and was opened on 10 July 1927;

and another which was denominated in an unspecified foreign currency and was opened on 20 April 1924.

The Bank's record further indicates that the custody account was closed on 7 August 1938, that one of the demand deposit accounts was closed on 10 February 1935, and that the other demand deposit account was closed prior to 10 February 1935, but on a date that is illegible. The Bank's record does not indicate the amounts in the accounts on their respective dates of closure. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his grandfather's city of residence, Stuttgart, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant also submitted his own birth certificate, identifying his father as Walter Strauss; and his father's birth certificate, identifying his father as Heinrich Strauss, who resided in Stuttgart, which provides 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 records as the name and city of residence of the Account Owner. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country or city of residence than the country and city of residence of the Account Owner. Taking all of these factors into consideration, 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, that his business was shutdown by the Nazis, and that he eventually fled Germany for the United States.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, including his and his father's birth certificates, demonstrating that he is the grandson of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The Account Owner held one demand deposit account closed on an unknown date prior to 10 February 1935, one demand deposit account closed on 10 February 1935, and one custody account closed on 7 August 1938. Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1939 and would not have been able to repatriate his accounts to Germany without their confiscation; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his 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 (a), (h) and (j) contained in Article 28 of the Rules, Governing the Claims Resolution Process, as amended (the "Rules")(See Appendix A) and Appendix C,<sup>1</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and two demand deposit accounts. 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 present value of the account being awarded. Based on the investigation carried out pursuant to instructions of the Independent Committee of Eminent Persons (the "ICEP" or "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs, while the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 17,280.00 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 216,000.00 Swiss Francs.

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### **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  
6 February 2004