

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Hans Thalheimer  
also acting on behalf of Berta Goetz and Karoline Joseph

## **in re Account of Max Thalheimer**

Claim Number: 201088/MW/CH

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Hans Thalheimer (the “Claimant”) to the published account of Max Thalheimer (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 has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his father, Max Thalheimer, who was born on 30 October 1891 in Lehrensteinsfeld, Germany, and was married to Dora Thalheimer, née Ebstein, on 12 March 1921 in Stuttgart, Germany. The Claimant indicated that his parents, who were Jewish, had three children: Karoline Joseph, née Thalheimer; Berta Goetz, née Thalheimer; and the Claimant. The Claimant indicated that his father fled Germany in 1934 as he could no longer find employment because he was Jewish. The Claimant explained that after leaving Germany, his father and his family moved to Belgrade-Cukarica, Yugoslavia, where they stayed until 1939, when they fled from Europe to Philadelphia, Pennsylvania, the United States. The Claimant stated that while in Europe, his father had connections in both Lucerne and Zurich, Switzerland. The Claimant submitted a letter written and signed by the Claimant’s father on 28 April 1966, which stated that his employer fired him because he was Jewish, and that because he was Jewish he was unable to find further employment and was forced to leave Germany in 1934; a certificate of nationality issued to Max Thalheimer and his family on 12 January 1934 in Heilbronn, Germany, which indicates that the family was German, and the name of his wife, Dora, and his three children: Hans, Karoline, and Berta; and a copy of a book award issued to his sister, Berta, in Beograd in 1937. The Claimant indicated that he was born on 24 December 1921 in Stuttgart. The Claimant is representing his two sisters: Karoline Joseph, née Thalheimer, who was born on 15 May 1924 in Stuttgart, and Berta Goetz, née Thalheimer, who was born on 29 July 1927 in Tübingen, Germany.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Max Thalheimer of Bensheim, Germany, and Beograd-Cukarica, Yugoslavia. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record further indicates that the account was closed on 20 February 1939. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received its proceeds.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his father's city of residence, Beograd-Cukarina, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents, including a certificate of nationality issued to Max Thalheimer and his family on 12 January 1934 in Heilbronn, Germany, which indicates the name of his wife, Dora, and his three children: Hans, Karoline, and Berta, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's record as the name and a country of residence of the Account Owner. The CRT notes that Heilbronn, where the certificate of nationality was issued, is located only about 90 kilometers away from Bensheim, which is one of the Account Owner's residences in the Bank's record. The Claimant also submitted a copy of a book award issued to his sister, Berta, in Beograd in 1937, providing independent verification that the family of the person who is claimed to be the Account Owner lived in the same city recorded in the Bank's record as the city of residence of the Account Owner. The CRT further notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence of the Account Owner in Germany and did not provide a connection to Yugoslavia.

### 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 he lost his job because he was Jewish, and that he fled from Germany to Yugoslavia, and then to the United States during the Second World War.

### 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 a document, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, which supports the plausibility that he is related to the Account Owner, as he has asserted in his Claim Form. The Claimant submitted a certificate of nationality issued to Max Thalheimer and his family on 12 January 1934 in Heilbronn, Germany, which indicates the name of his wife, Dora, and his three

children: Hans, Karoline, and Berta. There is no information to indicate that the Account Owner has other surviving heirs other than the parties which the Claimant is representing.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 20 February 1939, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 there is a sufficient probability 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one demand deposit 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"). 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 26,750.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his two sisters, Karoline Joseph and Berta Goetz. Accordingly, the Claimant is entitled to one-third of the total award amount, Karoline Joseph is entitled to one-third of the total award amount, and Berta Goetz is entitled to one-third of the total award amount.

**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  
10 September 2004