CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Georg Tietz

Claim Number: 209429/AH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the account of Georg Tietz (the "Account Owner") at [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 father, Georg Tietz, who was born on 10 January 1889, in Gera, Germany, and was married to [REDACTED], née [REDACTED], on 27 March 1919. The Claimant stated that he, his sister [REDACTED], and their parents lived in Berlin, Germany. In 1937 they moved to Vaduz, Liechtenstein, in 1938 they moved to Luzern, Switzerland, in 1939 they moved to London, England, and then, in 1940, they immigrated to Havana, Cuba, and then to New York, New York, the United States. The Claimant further stated that his father was the co-owner of a chain of department stores with headquarters in Berlin. The Claimant asserted that his father died on 1 August 1953, in Munich, Germany, and that his mother died on 2 December 1984 in New York. The Claimant submitted the wills of both his parents, which indicates that the Claimant was the son of the deceased. The Claimant also provided a family tree and his birth certificate indicating his parents' names, that he was born in Berlin to a Jewish family, and that his father was a businessman. The Claimant further submitted his parents' marriage certificate, indicating they were Jewish, their names, parents, and dates and places of birth, and his father's passport that includes his signature. The Claimant indicated that he was born on 21 January 1920, in Berlin. The Claimant is representing his sister [REDACTED], who was born on 8 January 1924 in Berlin.

Information Available in the Bank Records

The bank records consist of printouts from the Bank. According to these records, the Account Owner was Georg Tietz who resided in Berlin, Germany, and later moved to Havana. The bank records indicate that the Account Owner held an account of an unknown type, which was opened on 9 September 1931 and remains open and dormant. The balance of the account on 26 June 1998 was 1,260.00 Swiss Francs. The auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant also identified his father's address in Berlin, which matches the published address of the Account Owner at the time of the opening of the account, contained in the bank records. The Claimant also identified his father's second place of residence in Havana, which matches unpublished information contained in the bank records.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi persecution. The Claimant stated and submitted documents showing that the Account Owner was Jewish and resided in Germany until 1937 when he fled to Liechtenstein.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was his father. The Claimant submitted his birth certificate indicating his parents' names, that he was born in Berlin to a Jewish family, and that his father was a businessman. The Claimant further submitted his parents' marriage certificate, indicating they were Jewish, their names, their parents' names, and their dates and places of birth, and his father's passport that includes his signature. The Claimant provided the wills of both his parents, which indicate that the Claimant is the son of the deceased. There is no information to indicate that the Account Owner has any surviving heirs other than the Claimant and his sister.

The Issue of Who Received the Proceeds

The bank records indicate that the account is open and dormant.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, 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 account.

Amount of the Award

The bank records indicate that the value of the account as of 26 June 1998 was 1,260.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 905.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 26 June 1998. Consequently, the adjusted balance of the account at issue is 2,165.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown account type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 16,590.00 Swiss Francs.

Division of the Award

The Claimant is representing his sister in these proceedings. According to Article 29 of the Rules, children of Account Owners who have submitted a claim are entitled to equal shares of the award, and therefore the Claimant's sister is entitled to receive one-half of any payment made to the Claimant.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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