

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Elemer Tischler

Claim Number: 770939/AX¹

Award Amount: 12,406.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Elemer Tischler (the “Account Owner”) at the Berne branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire to the Court in 1999 identifying the Account Owner as her father, Elemer Tischler, who was born on 4 December 1890. In a telephone conversation with the CRT on 9 February 2005, the Claimant indicated that her father, who was Jewish, was a lawyer in Bucharest, Romania. The Claimant further indicated that when her parents divorced, the Claimant and her mother moved to Vienna, Austria, and then fled to England to escape Nazi persecution after the incorporation of Austria into the Reich in March 1938 (the *Anschluss*). The Claimant indicated that her father’s two sisters and one brother-in-law all were deported to Auschwitz, while her father remained in Bucharest during the Second World War. The Claimant indicated that her father died on 16 June 1964 in Bucharest. In support of her claim, the Claimant submitted her birth certificate, showing that her father was Dr. Elemer Tischler and that he was from Romania.

The Claimant indicated that she was born on 2 April 1927 in Cluj, Romania.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG 0035003, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 770939.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Dr. Elemer Tischler. The Bank's records further indicated that the Account Owner resided in Bucharest, Romania, and was born on 4 December 1890. The Bank's records indicate that the Account Owner held one savings/passbook account. The Bank's records indicated that this account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 31 March 1989, where it remains. The balance on the date of the transfer was SF 267.55.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. The Claimant identified her father's date of birth, which matches unpublished information contained in the Bank's records. The documents submitted by the Claimant indicate that her father used the title of doctor, which further matches unpublished information contained in the Bank's records.

In support of her claim, the Claimant submitted her birth certificate, indicating that her father was Dr. Elemer Tischler from Romania, providing independent verification that the person who is claimed to be the Account Owner had the same name, title and resided in the same country recorded in the Bank's records as the name, title and country of residence of the Account Owner.

The CRT notes that there are no other claims to this account.

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 her father was Jewish, and that he resided in Nazi-allied Romania during the Second World War. The Claimant further stated that the Account Owner's sisters and brother-in-law were deported to Auschwitz.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate, indicating that her father was Elemer Tischler. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined 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 savings/passbook account. The Bank's records indicate that the value of the account as of 31 March 1989 was SF 267.55. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 725.00, which reflects standardized bank fees charged to the account between 1945 and 1989. The current value of the amount of the award is determined by multiplying the adjusted balance SF 992.55 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 12,406.88.

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 March 2005