

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED]

in re Accounts of A. van den Berg and Mrs. Arnold van den Berg-Woog

Claim Number: 224381/UM

Award Amendment Amount: 51,612.50 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED] (the “Claimant”) to the account of Mrs. Arnold van den Berg-Woog. This Award Amendment is to the unpublished account of A. van den Berg and the published account of Mrs. Arnold van den Berg-Woog (together the “Account Owners”) at the Geneva 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.

On 5 September 2002 the Court approved an Award to the Claimant for two demand deposit accounts owned by the Account Owners (the “September 2002 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the September 2002 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of each demand deposit account was 2,140.00 Swiss Francs (“SF”), and that given the foregoing, the September 2002 Award amount shall accordingly be increased by SF 51,612.50.

The CRT notes that in the September 2002 Award, the CRT determined that the Claimant plausibly identified the Account Owners, that he plausibly demonstrated that he is related to the Account Owners, and that he made a plausible showing that the Account Owners were Victims of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owners held two demand deposit accounts and that the values of the demand deposit accounts were SF 47.00 as of 27 November 1941 for the first account, and SF 104.00 as of 9 March 1935 for the second account. Additionally, in the September 2002 Award, the CRT determined that it is plausible that the Account Owners did not receive the proceeds of their demand deposit accounts. Finally, the CRT determined that the September 2002 Award amount was SF 1,812.00.

The CRT's Analysis

Amount of the Award Amendment

In the September 2002 Award, the CRT determined that the value of the Account Owners' demand deposit accounts were SF 47.00 and SF 104.00, which are the amounts recorded in the Bank's records as the values of the demand deposit accounts as of 27 November 1941 and 9 March 1935, respectively.

Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be SF 2,140.00.

In this case, the CRT does not find that the values of the demand deposit accounts indicated in the Bank's records constitute plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the values of both of the Account Owners' demand deposit accounts shall be determined to be SF 2,140.00. The amount of SF 47.00, which is the value for the first account used in the September 2002 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 2,093.00. Similarly, the amount of SF 104.00, which is the value for the second account used in the September 2002 Award, is subtracted from the Article 29 value, resulting in a difference of SF 2,036.00. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules.

Consequently, the amount of the September 2002 Award is increased by SF 51,612.50, which reflects the adjusted difference between the values of the Account Owners' two demand deposit accounts recorded in the Bank's records and the values determined by Article 29 of the Rules.

Certification of the Award Amendment

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
30 December 2004