

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Arnold Vogel

Claim Number: 714379/JW¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED], (the “Claimant”) to the account of Aharon Arnold Vogel. This award is to the published account of Arnold Vogel (the “Account Owner”) at the Zurich 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 (“IQ”) identifying the Account Owner as his father, Aharon Arnold Vogel, who was born on 12 March 1899, and was married to [REDACTED], who was born on 24 March 1902. The Claimant stated that until 1937, his family, who was Jewish, lived at Marktgasse 51 in Vienna, Austria. The Claimant further stated that his family fled from Vienna to Trieste, Italy in 1939. The Claimant indicated that his family remained in Italy until August 1939, when his parents fled to Shanghai, China, and the Claimant fled to Palestine. The Claimant stated that his parents resided in a Jewish ghetto in Shanghai, where his father died of typhus in 1942.

The Claimant indicated that he was born on 22 March 1924.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB-00900-134 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 714379.

Information Available in the Bank's Record

The Bank's record consists of an excerpt from the Bank's ledger of suspended accounts. According to this record, the Account Owner was Arnold Vogel. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held a savings account, numbered 2353. The Bank's record further indicates that the account was transferred to a suspense account for dormant assets on 16 July 1949. The amount in the account on the date of its transfer was 8.70 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's middle name and surname match the published name of the Account Owner. The CRT notes that it is plausible that the Account Owner may have opened the account using his middle name. The CRT also notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT further notes that the name Arnold Vogel appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Aharon Arnold Vogel, and indicates that he was born in 1899 and that he resided in Vienna, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Moreover, the CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Aharon Arnold Vogel, prior to the publication of the ICEP List. This indicates that the Claimant based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, 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 he lived in Vienna after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"), and that in 1939, he fled first to Italy and subsequently to Shanghai, China to escape Nazi persecution. As noted above, a person named Aharon Arnold Vogel was included in the CRT's database of victims.

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, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List, and also matched information about the Account Owner listed in the CRT's database of victims. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 16 July 1949, and that it remains there today.

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 the Rules Governing the Claims Resolution Process, as amended (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 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 account. The Bank's record indicates that the value of the savings account as of 16 July 1949 was SF 8.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 75.00, which reflects standardized bank fees charged to the account between 1945 and 1949. Consequently, the adjusted balance of the account at issue is SF 83.70. According to Article 29 of the Rules, if the amount in a savings account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

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
23 February 2006