

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alessandro Wagner

Claim Number: 222237/AC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the published account of Alessandro Wagner (the “Account Owner”) at the Lugano 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 a Claim Form identifying the Account Owner as her father, Sandor (Alexander) Wagner, who was born on 3 April 1891 in Putnok, Hungary, and was married to [REDACTED] on 31 October 1929 in Budapest, Hungary. The Claimant explained that her father, who was Jewish, resided with his wife and daughter, the Claimant, in Budapest, and that he was the director of his own business which was located at Arena 64 in Budapest. According to information provided by the Claimant, her father was captured and sent to perform forced labor in 1940, but escaped and returned home until April 1944, when he was compelled to leave his home and live in a “protected house” for Jews. The Claimant stated that her father was sent back to a forced labor camp in October 1944, and subsequently deported to Dachau in December 1944, where he perished.

The Claimant submitted documents in support of her claim, including: 1) a copy of her parents’ marriage certificate, indicating that Sandor Wagner, who was born on 3 April 1891, and [REDACTED], who was born on 22 February 1897, were married on 31 October 1929 in Budapest; 2) a copy of a certificate issued by the Hungarian Jewish commission, indicating that Alexander Wagner resided in Budapest; 3) a copy of her father’s Nazi security police-issued work permit, indicating that Sandor Wagner, who was born in 1891, was the son of

¹ The CRT will treat the claim to this account in a separate decision.

[REDACTED] and [REDACTED], resided in Budapest, and was permitted to work as a clerk for a Jewish organization; 4) a copy of her parents' joint will, dated 18 April 1944, indicating that Sandor Wagner and [REDACTED] left their estates to their daughter, [REDACTED], with a lifetime interest reserved for the surviving spouse; and 5) a copy of her own identification card, indicating that her name is [REDACTED], née [REDACTED], and that her parents were Sandor Wagner and [REDACTED].

The Claimant indicated that she was born on 16 February 1931 in Budapest.

The Claimant previously submitted Initial Questionnaires (“IQs”) with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED] and Sandor Wagner, and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to Swiss bank accounts owned by *Duna Tengerjaro Tarsasag*, [REDACTED], and [REDACTED].²

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was Alessandro Wagner. The Bank’s record does not indicate the Account Owner’s domicile.³ According to the Bank’s record, the Account Owner held an account, the type of which is not indicated.

The Bank’s record indicates that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets, but the date of the transfer is not indicated. The balance of the account on the date of its transfer was 67.00 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 name matches the published name of the Account Owner.⁴ The CRT

² The CRT did not locate an account belonging to *Duna Tengerjaro Tarsasag*, [REDACTED], [REDACTED] or [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

³ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Alessandro Wagner is indicated as having resided in Germany. Upon careful review, the CRT has concluded that the Bank’s record does not contain information indicating Alessandro Wagner’s country of residence.

⁴ The CRT notes that Alessandro and Sandor are the Italian and Hungarian equivalents, respectively, of Alexander, and that the account was opened in Lugano, where Italian is the primary language.

notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of her claim, the Claimant submitted documents, including: 1) a copy of her parents' marriage certificate; 2) a certificate issued by the Hungarian Jewish commission; 3) a copy of her father's Nazi security police-issued work permit; 4) a copy of her parents' joint will; and 5) a copy of her own identification card, providing independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Sandor Wagner, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her present 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

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, and that after being compelled to perform forced labor and living in a "protected house" for Jews, he was deported to Dachau in December 1944, where he perished.

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: 1) a copy of her parents' joint will, indicating that Sandor Wagner left his estate to his daughter, [REDACTED], and 2) a copy of her own identification card, indicating that her father was Sandor Wagner. 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 the Bank's suspense account, where it remains.

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, as amended (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 account of unknown type. The Bank’s record indicates that the balance of the account was SF 67.00, but does not indicate the date of this balance. Therefore, the CRT is not able to determine the 1945 value of the account and shall treat the account as an account of unknown value. Pursuant to Article 29 of the Rules, when the value of an account is unknown, 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 ICEP (the “ICEP Investigation”), in 1945 the average value of an account of unknown type was SF 3,975.00. 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 49,375.00.

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 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
15 July 2005