

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Helga (Albertson) Peterson
also acting on behalf of Milady Jenkins, Nellie King, and Elvira Stevens
represented by Dennis Albertsen

in re Account of Frieda Weber

Claim Number: 205728/ES

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Helga (Albertson) Peterson, née Weber, (the “Claimant”) to the account of Frieda Weber (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a Claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother, Frieda Weber, née Richard, who was born on 2 March 1910, in Alexanderfeld, Ukraine, and was married to Christain Weber, who was born on 6 March 1908. The Claimant stated that her parents, who were Jewish, had five children. The Claimant further stated that her father raised white Russian horses for sale. In a telephone conversation with the CRT, the Claimant explained that her father was killed by the Nazis in 1941, when they invaded the Ukraine, and that her mother, together with her five children, was deported to Dachau concentration camp. The Claimant stated that in Dachau they escaped from the line to the gas chambers. The Claimant further stated that her mother, in order to feed her children, pretended not to be Jewish and worked in Auschwitz. The Claimant explained that the family was hiding in Germany until the end of the Second World War. The Claimant stated that in 1956 the family moved to the United States. In a telephone conversation with the CRT, the Claimant indicated that her mother told her sisters that they had a lot of money which they would eventually receive. The Claimant further indicated that her mother remarried in the United States to Frank Michalak. The Claimant stated that her mother died on 18 November 1987 in Fountain Valley, California.

In support of her claim, the Claimant submitted documents, including her mother's German identity card, identifying her as Frieda Weber, née Richard; her mother's death certificate; and her mother's will, identifying the Claimant and her three sisters: Elvira Stevens, née Weber; Nellie King, née Weber; and Milady Jenkins, née Weber, as Frieda Weber's daughters and heirs. The Claimant stated that she does not possess her own birth certificate as it was lost in the Holocaust.

The Claimant stated that she was born on 29 May 1936 in Eugenfeld, Ukraine. The Claimant is representing her sister, Milady Jenkins, née Weber, who was born on 2 April 1938 in Eugenfeld; her sister, Nellie King, née Weber, who was born on 2 March 1932 in Eugenfeld; and her sister, Elvira Stevens, née Weber, who was born on 24 June 1932 in Eugenfeld.

Information Available in the Bank's Records

The Bank's records consist of registry cards. According to these records, the Account Owner was Mrs. (*Frau*) Frieda Weber. The Bank's records do not indicate the place of residence of the Account Owner. According to the Bank's records the Account Owner held a savings/passbook account, which was transferred on 2 February 1953 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 1.75 Swiss Francs. The Bank's records indicate that the account was transferred out of the suspense account on 14 March 1974.

The Bank's records do not show when the account at issue was closed or to whom it was paid. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The Claimant stated that her mother's married name was Weber, which matches published information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted her mother's will, identifying the Claimant and her three sisters: Elvira Stevens, née Weber; Nellie King, née Weber; and Milady Jenkins, née Weber, as Frieda Weber's daughters and heirs. The Claimant also submitted her mother's German identity card, identifying her as Frieda Weber, née Richard, providing independent verification that the person who is claimed to be the Account Owner had the same marital status and married surname as that recorded in the Bank's records as the marital status and married

surname of the Account Owner. The CRT notes that the name Frieda Weber appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution. 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 her Jewish husband was killed by the Nazis in 1941, and that she was deported to the Dachau concentration camp by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her mother's will, identifying the Claimant as her daughter and heir.

The Issue of Who Received the Proceeds

Given that the Account Owner and her children were deported to the Dachau concentration camp; that the Account Owner was in hiding in Germany until the end of the Second World War; that the account of the Account Owner survived the war and was placed in a suspense account in 1953 with an account value of 1.75 Swiss Francs; that there is no record of the payment of the Account Owner's account to her; that the Account Owner or her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (b), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was her mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her 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 savings/passbook account as of 2 February 1953 was 1.75 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 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 10,375.00 Swiss Francs.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. The Claimant submitted her mother's will, identifying the Claimant and her three sisters: Elvira Stevens, née Weber; Nellie King, née Weber; and Milady Jenkins, née Weber, as her daughters and heirs. In this case, the Claimant is representing her three sisters, Milady Jenkins, Nellie King, and Elvira Stevens. Accordingly, the Claimant and her three sisters are each entitled to one-fourth of the total award amount.

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
6 February 2004