

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Regina Weingarten

Claim Number: 200274/AY

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the published account of Regina Weingarten (the “Account Owner”) at 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 his mother, Regina (Rebeka) Weingarten, née [REDACTED], who was born in Lvov, Poland, to [REDACTED] and [REDACTED], and was married to [REDACTED] in Lvov in 1904. The Claimant indicated that the couple had two children: [REDACTED], and the Claimant, [REDACTED]. The Claimant indicated that his parents resided at Lyczakowskagasse 165 in Lvov, where his father was a partner in a company named *J. Karach*. The Claimant stated that his parents and his brother, [REDACTED], who were Jewish, perished in the Lvov ghetto. In support of his claim, the Claimant submitted a photocopy of a page from the publication *Who's Who in the East*, which indicates that he was born on 17 April 1912 in Lamberg, Austria, to [REDACTED] and Regina ([REDACTED]) Weingarten; and a document from the Archives of City of Vienna, which indicates his father's connection to Lamberg. Finally, the Claimant submitted his birth certificate, showing he is the son of Regina (Rebeka) Weingarten, née [REDACTED], and [REDACTED], who resided in Lvov, and indicating that he was born on 17 April 1912 in Lvov. In a telephone conversation with the CRT on 28 October 2003, the Claimant explained that Rebeka was his mother's Jewish name and that Regina was her official name.

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

Information Available in the Bank's Record

The Bank's record consists of a bank customer card. According to this record, the Account Owner was *Frau* (Mrs.) Regina Weingarten, who resided in Lvov, Poland. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on an unknown date and was closed on 10 December 1951. The Bank's record does not show who closed the account, to whom the proceeds were paid, or the value of the account on the date of its closure. There is no evidence in the Bank's record 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 has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant identified his mother's city of residence as Lvov, Poland, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim the Claimant submitted a photocopy of a page from the publication *Who's Who in the East*, which indicates that he was born on 17 April 1912 in Lamberg, Austria, to [REDACTED] and Regina ([REDACTED]) Weingarten, and a document from the Archives of City of Vienna, which indicates his father's connection to Lamberg. Finally, the Claimant submitted his birth certificate, showing he was the son of Regina Rebeka Weingarten, née [REDACTED], and [REDACTED], who resided in Lvov, and indicating that he was born on 17 April 1912 in Lvov. The Claimant also explained that Rebeka was his mother's Jewish name and that Regina was her official name. The CRT notes that until 1918 the city of Lvov was under Austrian rule and was called Lamberg.² Therefore, the CRT concludes that the Claimant has identified the published name of the Account Owner (Regina Weingarten), the unpublished name of the Account Owner's city of residence contained in the Bank's records (Lvov, Poland), and through the Claimant's birth certificate that the Account Owner is his mother.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Regina Weingarten, née [REDACTED], and indicates that her place of birth was Lvov, Poland, and that she perished in the Lvov ghetto, 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.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father [REDACTED] from Lvov, Poland, 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 his present claim on a

² The city of Lvov was named "Lemberg, Austria" before 1918; "Lwów, Poland" from 1918 to 1939; "L'vov, U.S.S.R." from 1945 to 1991; and "Lviv, Ukraine" from 1991 to the present day.

direct family relationship that was known to him before the publication of the ICEP List. 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 the Account Owner was Jewish and that she was relocated to the Lvov ghetto, where she perished. As noted above, a person named Regina Weingarten, née [REDACTED], 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 documents, including his birth certificate, indicating that he is the son of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in the Lvov ghetto during the Second World War; that the Account Owner's account survived the War and was closed in 1951; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about the account from the bank after the war 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 (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 his 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 demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, 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 a demand deposit account was 2,140.00

Swiss Francs. 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 26,750.00 Swiss Francs.

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
31 December 2003