

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by her daughter [REDACTED]
and by her grandson [REDACTED]

in re Account of Dr. Samuel Weiss

Claim Number: 222570/MG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Dr. Samuel Weiss (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 her maternal great-aunt’s husband, Samuel Weiss (or Weisz), who was married to her great-aunt, [REDACTED], née [REDACTED]. The Claimant stated that Samuel Weiss, who was Jewish, was a businessman who had a toy business in Vienna, Austria. According to the Claimant, Samuel Weiss was also active in a Jewish organization where he acted as a chairman. The Claimant stated that Samuel Weiss resided at Mariahilferstrasse 51 in Vienna II. The Claimant stated that her relative had no children, and that in 1943 the Nazis deported him and his wife, first to Theresienstadt and then to Auschwitz, where they were killed. In support of her claim, the Claimant submitted documents including her Hungarian passport, indicating that her mother is [REDACTED]; [REDACTED]’s birth certificate, and a document from the Jewish community in Vienna, indicating that [REDACTED] is the daughter of [REDACTED]; the marriage certificate of Samuel and [REDACTED] (Weisz), indicating that [REDACTED]’s maiden name was [REDACTED]; a letter addressed to [REDACTED] from Mariahilferstrasse 51 in Vienna; a letter to [REDACTED] signed by [REDACTED] and S. Weiss; and a photograph in which the Claimant’s mother, Samuel Weiss and [REDACTED] are said to appear. The Claimant indicated that she was born on 6 June 1923 in Budapest, Hungary.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Samuel Weiss, who resided in Vienna, Austria, had an address at Obstgartenstrasse 28 in Zurich, Switzerland, and acted as an authorized representative (*Prokurist*) for a company. The Bank's record indicates that the Account Owner held a demand deposit account, which was closed on 10 February 1940 unknown by whom. The Bank's record does not indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed this account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name matches the published name of the Account Owner. The Claimant identified her relative's city of residence, which matches published information about the Account Owner contained in the Bank's record. The Claimant stated that her great-uncle was a businessman, which corresponds to unpublished information in the Bank's records that the Account Owner was an agent (*Prokurist*) for a company.¹ In addition, the CRT notes that the Claimant submitted documents including her Hungarian passport, indicating that her mother is [REDACTED]; [REDACTED]'s birth certificate and a document from the Jewish community in Vienna, indicating that [REDACTED] is the daughter of [REDACTED]; and the marriage certificate of Samuel and [REDACTED] Weiss (Weisz), indicating that [REDACTED]' maiden name was [REDACTED], which matches the maiden name of the Claimant's grandmother. In addition, the CRT notes that there is only one Samuel Weiss from Austria 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. Finally, the CRT notes that the other claims to this account were disconfirmed because the other claimants provided different countries of residence from the Account Owner's country of residence contained in the Bank's records. 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 he was deported to Theresienstadt and then to Auschwitz, where he was killed.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting detailed biographical information, her Hungarian passport, her mother's birth certificate and the

¹ The CRT notes that the title *Prokurist* indicates someone who holds a high position in a company and is authorized to enter into contracts for the company and to represent the company externally.

marriage certificate of Samuel Weiss, indicating that Samuel Weiss is her great-uncle by marriage. 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's account was closed on 10 February 1940 after the *Anschluss*, which occurred on 13 March 1938; that Nazi confiscatory legislation was in effect at the time the account was closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Account Owner and his wife perished in Auschwitz in or about 1943; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's heirs would not have been able to obtain information about the 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 inquires by account owners because of the Banks' concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided by 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 demand deposit account proceeds were not paid to the Account Owner or his 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 relative, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 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 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
September 30, 2003