

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Rudica Schaim

**in re Account of Osias Weiss**

Claim Number: 221698/AA

Award Amount: 343,152.00 Swiss Francs

This Certified Award is based upon the claim of Rudica Schaim (the “Claimant”) to the account of Osias Weiss (the “Account Owner”) at the Fribourg branch of [REDACTED] (the “Bank”).

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 grandfather, Osias Weiss, who was born on 8 May 1895 in Galatz, Romania and married Sara Weiss, née Moscovici. According to the Claimant, Osias and Sara Weiss, who were Jewish, adopted a child, the Claimant’s mother, Carola Weiss Schwartz, who was born on 22 February 1926 in Galatz. The Claimant explained further that in late August 1944 German troops withdrawing from Galatz set fire to her grandfather’s home, destroying the house and nearly everything her grandfather owned. Not only did her grandfather lose his home, but German troops also destroyed a warehouse at Portului 9 in Galatz, where her grandfather had some merchandise stored. According to the Claimant, her grandfather left Romania after the Second World War and emigrated to Israel, where he remained until his death on 7 October 1953. The Claimant stated that she is the granddaughter of the Account Owner and that she was born in Bucharest, Romania on 4 October 1950.

In support of her claim, the Claimant submitted her grandfather’s passport, police reports that her grandfather submitted to the Romanian authorities reporting the destruction of his home and merchandise, her mother’s birth certificate and adoption record, her mother’s will, which names the Claimant as the sole beneficiary, and photos of her grandfather and his family.

## **Information Available in the Bank Records**

The bank records consist of printouts from the Bank's database. According to these records, the sole Account Owner was Osias Weiss, who resided at Strada Antachi, Galatz, Romania. The bank records indicate that the Account Owner held two accounts: a custody account and a current account, both of which were opened on 30 September 1943. The records show that on 12 September 1998 the custody account had a balance of 14,822.00 Swiss Francs, and the current account had a balance of 2,869.00 Swiss Francs. According to the records, both accounts were recorded in the Bank's open account system, indicating that the accounts were still open and dormant on 12 September 1998.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name matches the published name of the Account Owner. Additionally, the Claimant has provided her grandfather's street address in Galatz, which matches the unpublished address recorded in the bank documents. In support of her claim, the Claimant submitted documents, including a damage report her grandfather submitted to the Romanian Police when German troops destroyed his home in 1944 that lists his address on Strada Anatchi.

### 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 was persecuted by the Nazis while living in Romania during the Second World War. Specifically, German troops set fire to his home, destroying nearly everything the Claimant's grandfather owned.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documentation including her grandfather's passport, her mother's adoption papers which name Osias Weiss as her adoptive father, and her mother's will. There is no information before the CRT to indicate that the Account Owner has other surviving heirs. In addition, the Claimant's mother's will names the Claimant as her sole beneficiary.

### The Issue of Who Received the Proceeds

In this case, the accounts at issue are open and dormant. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the 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 23 of the Rules. Second, the

Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

#### Amount of the Award

The bank records indicate that on 12 September 1998 the value of custody account was 14,822.00 Swiss Francs. In accordance with Article 37(1) of Rules, the amount of the custody account is increased by an adjustment of 6,350.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the custody account between 1945 and 1998, which produces a total of 21,172.00 Swiss Francs. In the absence of evidence to the contrary, the CRT assumes that the custody account was not invested for the benefit of the Account Owner and that the value in 1945 was the same as the value in 1998, except for the bank fees and charges that are being restored to the account. The present value of the amount of the award is determined by multiplying the 1945 value of 21,172.00 Swiss Francs by a factor of 12, in accordance with Article 37(1) of the Rules, to produce an award amount of 254,064.00 Swiss Francs for the custody account.

According to the bank records, the value of the current account on 12 September 1998 was 2,869.00 Swiss Francs. This amount is increased by an adjustment of 4,555.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the current account between 1945 and 1998, producing a total of 7,424.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 37(1) of the Rules, to produce an award amount of 89,088.00 Swiss Francs for the current account.

Accordingly, the total award amount for the custody account and current account is 343,152.00 Swiss Francs.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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.

Claim Resolution Tribunal

31 December 2002