

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ing. Ladislav Rauchmann
also acting on behalf of Dr. Edita Chudáèková and Dr. Klara Rauchmann

in re Account of Lily Wirth

Claim Number: 206497/MG ¹

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of Ing. Ladislav Rauchmann (the “Claimant”) to the account of Lily Wirth (the “Account Owner”) at 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 his mother, Lilly Krisztina Rauchmanová, née Wirth, who was born on 14 December 1913 in Budapest, Hungary, and was married to Samuel Rauchmann on 29 April 1949 in Novosad, Czechoslovakia. The Claimant stated that his mother, who was Jewish, resided in Siofox, Hungary until 1944, when she was deported to Auschwitz, where she was interned until 1945. The Claimant stated that after the Second World War, his mother returned to Novosad, where she resided until 1958, when she moved to Kosice, Czechoslovakia, where she died on 15 February 1992.

The Claimant submitted various documents, including his mother’s birth and death certificates, his own birth certificate, and his sisters’ birth certificates, all indicating the name of his mother. The Claimant stated that he was born on 14 April 1953 in Novosad. The Claimant is representing his sisters, Dr. Edita Chudáèková, née Rauchmanová, who was born on 24 May 1948 in Novosad, and Dr. Klara Rauchmann, who was born on 12 October 1949 in Novosad.

¹ The Claimant submitted additional claims to the accounts of Friedrich Wirth and Anna Wirth, which are registered under the Claim Numbers 208143 and 206498, respectively. The CRT will treat the claims to these accounts in a separate decision.

Information Available in the Bank Record

The bank record consists of a list of collective accounts. According to this record, the Account Owner was Lily Wirth. The bank record indicates that the Account Owner held a savings/passbook account numbered 66255. The account was transferred in 1971 to a suspense account. The bank records show that the account balance as of 7 July 1972 was 102.45 Swiss Francs. The account remains open and dormant.

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. In support of his claim, the Claimant submitted documents, including his mother's birth and death certificates and his own birth certificate, all containing the name of his mother.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Lilly Rauchmann, née Wirth, prior to the publication in February 2001 of the list of accounts determined by 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 not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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.

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 interned at Auschwitz, but survived.

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 birth certificates, that indicate his mother's name.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and remains open and dormant.

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 Governing the Claims Resolution Process (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 neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the savings/passbook account as of 7 July 1972 was 102.45 Swiss Francs. Pursuant to Article 35 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 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

Division of the Award

The Claimant is representing his two sisters in these proceedings. According to Article 29 of the Rules, his sisters are each entitled to receive one-third of any payment made to the Claimant.

Initial Payment

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 6,474.00 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 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

November 26, 2002