

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of J. H. Wolfson

Claim Number: 738721/AZ¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].² This Award is to the unpublished account of J. H. Wolfson (the “Account Owner”) at the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his younger brother, Josef Wolfson. The Claimant indicated that his brother, who was Jewish, lived with his parents [REDACTED] and [REDACTED] and sisters [REDACTED] and [REDACTED] in a small village called Parichi in the Gomel (Homjel) region of the Union of Soviet Socialist Republics (now Belarus). According to the Claimant, between December 1941 and February 1942, his parents and siblings, along with the other inhabitants of their village, were deported to a concentration camp near Parichi, where they all perished. Finally, the Claimant indicated that all of his family’s assets were looted by Nazi soldiers. The Claimant indicated that he was born on 28 December 1920.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 2000 he submitted an Initial Questionnaire (“IQ”), numbered RUS-0914175, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 738721.

² The CRT did not locate an account belonging to Mikhail Wolfson in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Information Available in the Bank's Records

The Bank's records consist of a transfer note and a list of accounts. According to these records, the Account Owner was J. H. Wolfson. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 491041, which was transferred to a suspense account on 21 December 1963, at which time it had a balance of 85.20 Swiss Francs ("SF"). 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") indicated that the account was inactive for some period after 1945. The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's first initial and surname match the unpublished first initial and surname of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his initials and surname.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Josef Wolfson, and indicates that he was born in 1927 in Parichi, that his parents were [REDACTED] and [REDACTED], and that he perished in 1941, 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, according to the information in the database containing the names of victims, the Claimant's brother would have been a child at the time the account was active. However, the CRT finds it plausible that the Claimant's parents may have opened the account in their son's name.

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 and that he was deported in 1941 or 1942 to a concentration camp, where he perished. As noted above, a person named Josef Wolfson was included in the CRT's database of victims. The CRT further notes that the Account Owner's parents [REDACTED] and [REDACTED] and siblings [REDACTED], [REDACTED], and [REDACTED] were also included in the database.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's brother. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant identified the relationship between the Account Owner and the Claimant without the publication of the Account Owner's name in connection with a Swiss bank account; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on 21 December 1963 to a suspense account, where it remains.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his brother, and that relationship justifies an Award. Third, the CRT has determined 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. The Bank's records indicate that the value of the account as of 21 December 1963 was SF 85.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 370.20. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 SF 26,750.00.

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
27 February 2007