

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Anna Wyss

Claim Numbers: 216841/LK¹

Award Amount: 54,676.80 Swiss Francs

This Certified Award is based upon the claim [REDACTED] (the “Claimant”) to the account of Heinrich Emil Wyss.² This Award is to the account of Frau Anna Wyss (the “Account Owner”) at the St. Gallen branch of 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, an Initial Questionnaire, and an ATAG Ernst & Young claim form identifying the Account Owner as his mother, Frau Anna Wyss, née Thonfeld, who was born on 24 June 1890 in Lodz, Poland, and was married to Heinrich Emil Wyss on 28 June 1909 in Lodz, Poland. The Claimant stated that his father had Swiss citizenship and that his parents traveled to Switzerland frequently. The Claimant further stated that his father made frequent payments amounting to over 100 Swiss Francs to the [REDACTED] and the Zurich branch of the Bank between 1929-1939. In a telephone conversation, the Claimant explained that his family moved many times all over Switzerland and therefore he is not able to remember exact addresses but further explained that he had a brother, who died many years ago, who lived in St. Gallen, Switzerland. The Claimant indicated that the Nazis classified his father as a Jew and persecuted his family and that the Nazis interrogated his father on 21 September 1941 and killed him in the course of the interrogation in Lodz, Poland. According to the Claimant, the

¹ The Claimant submitted four Claim Forms, which were registered under the Claim Numbers 216812, 216841, 216842, 217370. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 216841.

² The CRT will treat the claim to this account in a separate decision.

government also seized his father's family business, Heinrich Wyss & Co., a "wood-turning" factory. His mother died on 24 July 1967 in Rehetobel, Switzerland. In support of his claim, the Claimant submitted documents including a family tree, his father's certificate of residency identifying the Claimant's mother and the dates of birth of both his father and mother, and his own certificate of residency from Rehetobel, Switzerland. The Claimant also submitted the torn bottom of a confirmation sheet from the Bank indicating that a Power of Attorney was given to someone called "Wyss." The Claimant stated that it was torn off as a precautionary measure since foreign exchange dealings were forbidden. The Claimant further stated that this confirmation sheet was found hidden in 1996 in the wall of a building in Lodz that had belonged to the Claimant before it was nationalized in 1948. The Claimant indicated that he was born on 19 February 1922 in Lodz, Poland.

Information Available in the Bank Records

The bank records consist of an opening card and printouts from the Bank's database. According to these records, the Account Owner was Frau Anna Wyss of St. Gallen, Switzerland. The bank records indicate that the Account Owner held an account of unknown type. The account was suspended and remains open and dormant. The bank records indicate that the value of the account on 9 November 1998 was 1.40 Swiss Francs.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the unpublished name of the Account Owner. The Claimant identified the name of the bank where this account is located as well as a family connection to St. Gallen, which also match unpublished information about the Account Owner contained in the bank records. In support of his claim, the Claimant submitted the torn bottom of a confirmation from the Bank that a Power of Attorney was given to someone with the name "Wyss." The Claimant also submitted documents, including his father's certificate of residency identifying the Claimant's mother and the dates of birth of his father and mother.

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 Nazis considered the Account Owner's husband to be Jewish, threatened her family, killed her husband during an interrogation, and seized the family's business in Lodz, Poland.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that she was his mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account 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 it is plausible 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 unknown type of account as of 9 November 1998 was 1.40 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 4,555.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 9 November 1998. Consequently, the adjusted balance of the account at issue is 4,556.40 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 a total award amount of 54,676.80 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