

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of André B. Dreyfus

Claim Number: 217491/UM

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of André B. Dreyfus (the “Account Owner”) at the [REDACTED] (“Bank I”) and the [REDACTED] (“Bank II”) (together the “Banks”).¹

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 mother’s first cousin, Andre Benoit Dreyfus, who was born on 22 September 1891 in Basel, Switzerland, and was never married. The Claimant indicated that her mother’s cousin was a banker who resided in Paris, France, and that he had a brother, [REDACTED], born on 20 May 1890, who was also a banker in Paris. The Claimant further stated that his mother’s cousin’s parents, [REDACTED] and [REDACTED], lived in Basel. Moreover, during a telephone conversation with the CRT on 16 December 2002, the Claimant stated that her mother’s cousin, who was Jewish, left Paris for New York, the United States, with his brother in 1939, and that the brothers left in order to escape the Nazis. The Claimant additionally stated that her mother’s cousin died in New York on 8 March 1978, without issue, and that his brother died on 20 September 1977, also in New York and without issue. The Claimant submitted a letter from Andre B. Dreyfus to her, signed and dated 28 January 1957, responding to her inquiry regarding English lessons in New York; the letterhead on the document includes a New York address. The Claimant indicated that she was born on 20 June 1931, in Caudebec-les-Elbeuf, France.

¹ The CRT notes that, 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 (the “ICEP list”), André B. Dreyfus is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts.

Information Available in the Banks' Records

Bank I

Bank I's records consist of a customer card and internal correspondence. According to these records, the Account Owner was André B. Dreyfus, for whom four different addresses are indicated: avenue Foch 2, Paris XVI, France; 80, rue du Ranelagh, Paris XVI; avenue du Bois de Boulogne 2, Paris; and rue St. Jacques 11, Basel, Switzerland.

Bank I's records indicate that the Account Owner had one demand deposit account, numbered 45948, which was opened on 23 May 1932. Bank I's records indicate that the account was dormant, and that its balance as of 28 May 1959 was 253.00 Swiss Francs (SF). Bank I's records further indicate that the account was closed, pursuant to an internal instruction to close dormant accounts with a balance lower than SF 1,000.00, to Bank I's profit and loss account on 1 June 1959.

Bank II

Bank II's record consists of a printout from a database of accounts reviewed pursuant to the 1962 survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a federal decree (the "1962 Survey").

According to this record, the Account Owner was André B. Dreyfus, who resided at 80, rue du Ranelagh, Paris XVI, France.

Bank II's record indicates that the Account Owner held a demand deposit account, with a balance of SF 860.35 on 12 June 1963, and a custody account containing 4 1/2% *Oesterreich 1914* bonds at a nominal value of 5,000.00 Schillings. Bank II's record indicates that the market value of those bonds in June 1963 was SF 105.00. Bank II's record further indicates that the Account Owner was included on the list published pursuant to the 1962 Survey, that no valid claim was filed to the accounts, and the Account Owner's assets were transferred to the Unclaimed Assets Fund.²

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner.³ In addition, the Claimant

² Two-thirds of the proceeds of the Unclaimed Assets Fund were transferred to the Swiss Federation of Jewish Communities, and one-third was transferred to the Swiss Central Office for Refugee Relief.

³ The CRT notes that information provided by the Claimant identifies the first name of the Claimant's relative as "Andre" and further notes that it is plausible that the Account Owner did not use an acute accent on the last letter of his first name after he immigrated to the United States.

identified her mother's cousin's birthplace as Basel, Switzerland, and stated that his parents lived in Basel, which matches one of the unpublished residences of the Account Owner contained in Bank I's records. In support of her claim, the Claimant submitted documents, including a signed letter from her mother's cousin to her, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Banks' records as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named André B. Dreyfus and indicates that he resided in Paris, France, 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 further notes that the name André B. Dreyfus appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of Victims of Nazi Persecution (the "ICEP list"). Moreover, the CRT notes that there are no other claims to these accounts. 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 Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that both he and his brother left France in 1939 in order to escape the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's mother's first cousin. These documents include a signed letter from her mother's cousin to her, indicating their relationship. The CRT notes that it is plausible that this document is a document that most likely only a family member would possess. In addition, the CRT notes that the Claimant also identified information that 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 supports the plausibility that the Claimant is related to the Account Owner, as asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Bank I's record show that demand deposit account number 45948 was closed to Bank I's profit and loss account on 1 June 1959.

With regard to the accounts held by the Account Owner at Bank II, Bank II's records show that the assets in those accounts were transferred to the Unclaimed Assets Fund.

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 mother's first cousin, 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 accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts and one custody account.

Bank I's records indicate that the value of the demand deposit account, numbered 45948, was SF 253.00 as of 28 May 1952. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 225.00, which reflects standardized bank fees charged to the demand deposit account between January 1945 and May 1952. Consequently, the adjusted balance of the account at issue is SF 478.00. 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 this amount 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 an amount of SF 26,750.00.

Bank II's record indicates that the value of the demand deposit account included in the 1962 Survey was SF 860.35 as of 12 June 1963. 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 January 1945 and June 1963. Consequently, the adjusted balance of the account at issue is SF 1,145.35. 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 this amount 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 an amount of SF 26,750.00.

Bank II's record additionally indicates that the value of the custody account included in the 1962 Survey was SF 105.00 as of 12 June 1963. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 950.00, which reflects standardized bank fees charged to the account between January 1945 and June 1963. This amount is reduced by SF 358.63 to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 696.37 Swiss Francs. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The current value of this amount 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 an amount of SF 162,500.00.

Therefore, the total award amount in this case is SF 216,000.00.

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 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