

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Sándorné Fodor

Claim Number: 729858/TW¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Sándor Fodor. This Award is to the published account of Sándorné Fodor (the “Account Owner”), over which Sándor Fodor (the “Power of Attorney Holder”) held power of attorney, at the Zurich 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his mother, Sándorné Fodor, née Klara Fürst, who was born on 21 July 1905 in Budapest, Hungary and was married to Sándor Fodor, on 25 July 1926 in Budapest. The Claimant indicated that his parents, who were Jewish, resided in Budapest III at Timar utca 40. The Claimant indicated that he is his parents’ only child. According to the Claimant, his father was a manager at the *Goldberger* textile factory, and his mother was a housewife. The Claimant further indicated that his mother took refuge in a protective house which had been established by one of the diplomatic missions in Budapest, at Erzsébet Krt. 24. According to the Claimant, his mother, along with a group of other Jews, was rounded up one day and marched to Hegyeshalom, Hungary, near the Austrian border. The Claimant stated that his mother and the rest of the group were released at the border, and that his mother was then able to return to Budapest. The Claimant further stated that his father performed forced labor from May 1942 until the end of October 1942 in

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN 0043 016, 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 729858.

Sàrospatakra, Hungary, and then again from June 1943 onwards at the Egyesult factory near Budapest until 5 December 1943. According to the Claimant, on 4 June 1944, his father was then sent to Nagykàtara to perform forced labor. The Claimant further stated that in October 1944, his father was deported to Germany, and never heard from again. The Claimant stated that his mother died in Budapest in 1995.

In support of his claim, the Claimant submitted a document from the Hungarian resistance, addressed to the Claimant's mother, Sàndorne Fodor, detailing the places the Claimant's father was forced to perform slave labor between 1942 and 1944, and stating that his name was Sàndor Fodor; a written statement from Sàndorne Fodor made in relation to restitution from the German authorities, stating that she resided in Budapest; and a copy of a court order certifying the death of the Claimant's father, dated 14 September 1965, stating that the Claimant's father's name was Sàndor Fodor, and that he was married to Klara Fodor, née Fürst, in Budapest, and that they resided in Budapest.

The Claimant stated that he was born on 25 March 1930.

Information Available in the Bank's Record

The Bank's record consists of a power of attorney form, signed in Budapest on 28 February 1929. According to this record, the Account Owner was Sàndorné Fodor (also known as *Frau* (Mrs.) Alexander Fodor),² and the Power of Attorney Holder was *Herr* (Mr.) Sàndor Fodor, who both resided at Budapest V, Kalman utca 16, Hungary. The Bank's record indicates that the Account Owner held a custody account.³

The Bank's record indicates that the account was opened no later than February 1929. The Bank's record does not show when the account at issue was closed, nor does the record indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

² The CRT notes that the name Alexander is the German equivalent of the Hungarian name Sàndor.

³ The Bank's record contains a power of attorney form that references a "*Titeldepot*," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that she held such an account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's mother's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant's father's name matches the published name of the Power of Attorney Holder. The CRT notes that the address provided by the Claimant differs from that in the Bank's record. However, the CRT notes that this address was provided in the power of attorney form signed by the Account Owner in 1929, before the Claimant was born. The CRT therefore finds it plausible that the Claimant may not have knowledge of his parents' prior residences, and finds that this discrepancy does not affect the Claimant's identification of the Account Owner.

In support of his claim, the Claimant submitted a document from the Hungarian resistance, addressed to the Claimant's mother, Sándorne Fodor, detailing the places the Claimant's father was forced to perform slave labor between 1942 and 1944, and stating that his name was Sándor Fodor; a written statement from Sándorne Fodor made in relation to restitution from the German authorities, indicating that she resided in Budapest; and a copy of a court order certifying the death of the Claimant's father, dated 14 September 1965, showing that the Claimant's father's name was Sándor Fodor, and that he was married to Klara Fodor, née Fürst, in Budapest, and that they resided in Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Sándorné Fodor appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Sándor Fodor, prior to the publication in February 2001 of 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.

The CRT notes that there are no other claims to this account.

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 she took refuge in a protective house established by one of the diplomatic missions in Budapest, before being sent to a ghetto, from which the Nazis sought to deport her.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's mother.

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Power of Attorney Holder and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a document from the Hungarian resistance, addressed to the Claimant's mother, Sándorne Fodor; a written statement from Sándorne Fodor made in relation to restitution from the German authorities, indicating that she resided in Budapest; and a copy of a court order certifying the death of the Claimant's father. The CRT notes that it is plausible that these are documents which most likely only a family member would possess. 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 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

Given that the Account Owner took refuge in a protective house in Budapest and that she was sent to a ghetto; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their 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 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. Pursuant to Article 29 of the Rules,

when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 162,500.00.

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
30 December 2004