

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Nicha Fuchs

## **in re Accounts of Erwin Fuchs**

Claim Number: 003288/MW

Award Amount: 20,750.00 Swiss Francs

This Certified Award is based upon the claim of Nicha Fuchs, née Kyzler, (the “Claimant”) to the unpublished account of Mark Ludwig Fuchs.<sup>1</sup> This Award is to the published accounts of Erwin Fuchs (the “Account Owner”) at the Schaffhausen branch of 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 her father-in-law, Ervin (or Erwin) Fuchs, who was born in 1882 in Magyarország, Hungary, and was married to Regina Fuchs, née Steiner. The Claimant indicated that her father-in-law, who was Jewish, had two children: Ludwig Mark Fuchs and Shlomo Fuchs (the Claimant’s husband). According to the Claimant, Erwin Fuchs worked as a journalist in Prague, Czechoslovakia, and resided in Magyarország until he was deported to Auschwitz, where he perished in 1944. The Claimant further stated that her brother-in-law, Ludwig Mark Fuchs, who was a senior executive in an international company called *Drach*, had his salary deposited in a Swiss bank account. The Claimant indicated that Ludwig Mark Fuchs was deported to a labor camp in 1942 and perished there in 1943. The Claimant stated in a telephone conversation with the CRT on 14 November 2002, that she and her husband, Shlomo Fuchs, who survived the Second World War, left Hungary in April 1949 and emigrated to Israel, where her husband passed away on 20 August 1998. In support of her claim, the Claimant submitted her husband’s death certificate and last will, which indicates that Shlomo Fuchs died on 20 August 1998, and that he bequeathed his Estate to the Claimant; Yad Vashem witness forms completed by the Claimant’s husband, which indicate that Ervin Fuchs was her father-in-law and Ludwig Mark Fuchs was her brother-in-law; and an announcement in memory of the Claimant’s family and her husband’s family, which

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<sup>1</sup> The CRT will treat the claim to this account in a separate decision.

indicates that the Claimant's father-in-law was Erwin Fuchs, and the Claimant's brother-in-law was Ludwig Mark Fuchs.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ludwig Mark Fuchs. The Claimant indicated that she was born on 23 February 1923 in Hungary.

### **Information Available in the Bank's Records**

The Bank's records consist of a list of accounts, an extract from the Bank's ledger, and printouts from the Bank's database. According to these records, the Account Owner was Erwin Fuchs. The Bank's records do not indicate the Account Owner's place of residence. The Bank's records indicate that the Account Owner held two savings accounts, numbered 9884 and 10593.

The Bank's records indicate that the balance of the savings account, numbered 9884, on 6 December 1963 was 130.15 Swiss Francs ("SF"), and that the balance of the savings account, numbered 10593, on that date was SF 120.10. The Bank's records further indicate that the accounts were transferred to a suspense account for dormant assets on 28 October 1985. The amount in the savings account, numbered 9884, on the date of its transfer was SF 116.50 and the amount in the savings account, numbered 10593, on the date of its transfer was SF 107.55. The accounts remain in the Bank's suspense account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's father-in-law's name matches the published name 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 name. In support of her claim, the Claimant submitted documents, including Yad Vashem witness forms completed by the Claimant's husband, which indicates that Erwin Fuchs was her father-in-law; and an announcement in memory of the Claimant's family and her husband's family, which indicates that the Claimant's father-in-law was Erwin Fuchs, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Furthermore, the CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ludwig Mark Fuchs, 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 her 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 her relative, but indicates that the Claimant had reason to believe that her relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT further notes that there are no other claims to these accounts. Taking all 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 perished in Auschwitz in 1944.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father-in-law. These documents include her husband's death certificate and last will, which indicates that Shlomo Fuchs died on 20 August 1998, and that he left his Estate to the Claimant; Yad Vashem witness forms completed by the Claimant's husband, which indicate that Ervin Fuchs was her father-in-law; and an announcement in memory of the Claimant's family and her husband's family, which indicates that the Claimant's father-in-law was Erwin Fuchs. 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 accounts remain in the Bank's suspense account.

#### 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 father-in-law, and that relationship justifies an Award. Finally, 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 savings accounts. The Bank's records indicate that on 6 December 1963 the value of the savings account, numbered 9884, was SF 130.50, and that the balance of the savings account, numbered 10593, was SF 120.10. According to Article 29 of the Rules, if the amount in a savings account was less than SF 830.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balances, 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 20,750.00.

### **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 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  
25 October 2004