

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rudolf Arnold Heimann

Claim Number: 778669/AX¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rudolf Heimann. This Award is to the published account of Rudolf Arnold Heimann (the “Account Owner”) at the Biel 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”) to the Court in 1999 identifying the Account Owner as his father, Rudolf Heimann, who was born on 28 November 1881 and was married to [REDACTED]. The Claimant indicated that his father, who was Jewish, was a music conductor and operated a dance school in Vienna, Austria, where he resided at Praterstrasse 43. In a telephone conversation with the CRT on 9 February 2005, the Claimant indicated that he does not remember many details about his parents because he was very young when he was shipped on a children’s transport to England after the incorporation of Austria into the German Reich in March 1938 (the “*Anschluss*”), and does not know whether his father had a middle name. The Claimant indicated that his parents and older brother were deported to Theresienstadt and then later to Auschwitz, where they perished. In support of his claim, the Claimant submitted his birth certificate, indicating that his father was Rudolf Heimann. The Claimant indicated that he was born on 1 June 1924 in Vienna.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered 0336061, 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 778869.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Rudolf Arnold Heimann. The Bank's record does not contain information about the Account Owner's place of residence. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated, numbered 10788. The Bank's record further indicates that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 28 February 1977. The amount in the account on the date of the transfer was 3.60 Swiss Francs ("SF"). The Bank's record indicates that the account remains in the Bank's suspense account.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Rudolf Heimann, numbered 31907. According to these records, Rudolf Heimann was born on 28 November 1881, and was married to [REDACTED], née [REDACTED]. These records indicate that Rudolf Heimann resided and owned a dance school located at Praterstrasse 43/7 in Vienna II. The records do not mention Rudolf Heimann's middle name. These records further indicate that Rudolf Heimann was prohibited from operating the dance school as of 23 October 1938. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner.² The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted his birth certificate, indicating that his father was Rudolf Heimann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that there are no other claims to this account.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rudolf Heimann, and indicates that he was born in 1881, and resided in Vienna, 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.

² The CRT notes that the Claimant did not identify the Account Owner's middle name but does not consider this to materially affect the identification.

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 that he perished in Auschwitz.

As noted above, a person named Rudolf Heimann was included in the CRT's database of victims.

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 and his birth certificate, indicating that his father was Account Owner Rudolf Heimann. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father, 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 account, the type of which is not indicated. The Bank's record indicates that the value of the account as of 28 February 1977 was SF 3.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 498.60. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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
12 May 2005