

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

**in re Account of Max Jäger and Sara Jäger**

Claim Number: 200210/MW

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Max Jäger.<sup>1</sup> This Award is to the published account of Max Jäger (“Account Owner Max Jäger”) and Sara Jäger (“Account Owner Sara Jäger”) (together the “Account Owners”) at the Basel branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 Owners as his parents, Max Jäger and Sarah Jäger, née Kucyn. The Claimant stated that his father was born on 19 July 1902 in Stanislawów, Poland, and that his mother was born on 10 May 1906 in Berlin, Germany. The Claimant further stated that his father was the owner of an underwear factory named *Jäger Underwear for Ladies*. According to the Claimant, his parents, who were Jewish, resided at Düsseldorfstrasse 68, in Berlin, until 1938 and had two children: [REDACTED 2] and the Claimant. The Claimant indicated that in early 1938 his father transferred money to a Swiss bank account via a courier. The Claimant further stated that in December 1938, after being warned that the arrest of the family was imminent, his family fled to France via Belgium in January 1939, and then in March 1939, they traveled from France to Cuba. The Claimant explained that upon the family's arrival in Cuba in March 1939, they discovered that they could

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<sup>1</sup> The CRT notes that, 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”), includes two account owners named Max Jäger, who resided in Germany, indicating that one of them held four accounts, and that the other one held one account. This award is to the account of the latter Max Jäger. The CRT will treat the claim to the accounts of the other Max Jäger in a separate decision.

<sup>2</sup> On the ICEP List, Max Jäger and Sara Jäger are both indicated as owning one account. Upon careful review, the CRT has concluded that the Bank’s record indicates that Max Jäger and Sara Jäger jointly owned one account.

purchase a Romanian visa, which the Claimant's father did by accessing his Swiss bank, and the family then traveled from Cuba to Romania, and then to England in July 1939. The Claimant further explained that from 1945 to 1947, his parents attempted to access their Swiss bank account but the banks rejected their applications and claimed that no account existed. The Claimant stated that his mother died on 17 September 1974 in London, England, and that his father died on 23 January 1985, also in London. In support of his claim, the Claimant submitted his and his brother's birth certificates, which indicate that their parents were *Kaufmann* (businessman) Max Jäger, and Sara Jäger, née Kucyn, that their two children were born in Berlin, and that both their parents were Jewish. The Claimant indicated that he was born on 11 March 1927 in Berlin. The Claimant represents his brother, [REDACTED 2], who was born on 2 December 1938 in Berlin.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by his parents, Max and Sarah Jäger.

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

The Bank's record consists of a customer card. According to this record, the Account Owners were Max Jäger and *Frau* (Mrs.) Sara Jäger, née Kucin or Kucil (the maiden name is illegible), who both resided in Berlin, Germany. The Bank's record indicates that Account Owner Sara Jäger was originally from Stanislau, Poland. The Bank's record further indicates that the Account Owners held a demand deposit account, which was opened on 30 November 1938 and closed on 29 January 1939. The Bank's record does not indicate the value of this account. There is no indication that the Account Owners or their heirs closed the account and received the proceeds themselves.

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

#### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His parent's names and country of residence match the published names and country of residence of the Account Owners. The Claimant identified his father's city of origin, his parents' city of residence, and his mother's maiden name, which all match unpublished information about the Account Owners contained in the Bank's record. In support of his claim, the Claimant submitted his and his brother's birth certificates, which indicate that their parents were *Kaufmann* (businessman) Max Jäger, and Sara Jäger, née Kucyn, and that their two children were born in Berlin, providing independent verification that the persons who are claimed to be the Account Owners have the same names and resided in the same city recorded in the Bank's record as the names and city of residence of the Account Owners.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account

owned by Max and Sarah Jäger, 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 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 relatives, 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 relatives 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 further notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of Account Owner Max Jäger and because that claimant did not identify Account Owner Sarah Jäger.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they resided in Germany until December 1938, when they fled Germany to avoid arrest by the Nazis.

#### The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were his parents. These documents include his and his brother’s birth certificates, which indicate that their parents were *Kaufmann* (businessman) Max Jäger, and Sara Jäger, née Kucyn, and that their children were born in Berlin. There is no information to indicate that the Account Owners have other surviving heirs other than the Claimant’s brother, whom the Claimant is representing.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank’s record indicates that the account was closed on 29 January 1939, at which time, according to information provided by the Claimant, the Account Owners were outside of Nazi-dominated territory. The CRT further notes that although the Claimant indicated that his father accessed his Swiss bank account from Cuba in March 1939, the CRT determines that the Account Owners may have accessed another account in March 1939 or that the Claimant may have not known the actual date his parents accessed the account. Moreover, given that the Bank’s record does not indicate to whom the account was closed; that the Account Owners fled Germany due to Nazi persecution; that the Account Owner may have had relatives remaining in Germany and that they may therefore have yielded to Nazi pressure to turn over their account to ensure their safety; that the Account Owners and their heirs would not have been able to obtain information about their account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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) 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 Owners 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 Owners were his parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owners held one demand deposit 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED 2]. Accordingly, the Claimant and his brother are each entitled to one-half of the total award amount.

#### **Scope of the Award**

The Claimants 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  
13 October 2004