

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award Amendment**

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]<sup>1</sup>

## **in re Account of Georges Joseph**

Claim Numbers: 223157/MW; 650026/MW<sup>2, 3</sup>

Original Award Amount: 9,960.00 Swiss Francs

Award Amendment Amount: 5,187.50 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Georges Joseph,<sup>4</sup> and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Georges Joseph. This Award Amendment is to the unpublished account of Georges Joseph (the “Account Owner”) at the [REDACTED] (the “Bank”).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Procedural History**

On 30 August 2002, the Court approved an Award to Claimant [REDACTED 1] for the Account Owner’s account (the “August 2002 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 2]. The CRT notes that although Claimant [REDACTED 2] had filed a timely claim to the awarded account, his claim

---

<sup>1</sup> On 30 August 2002, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for the account of Georges Joseph (the “August 2002 Award”), which is the subject of this Award Amendment.

<sup>2</sup> Claimant [REDACTED 1] submitted an additional claim to the account of Marcel Salomon, which is registered under the Claim Number 223158. An award for the account of Marcel Salomon was issued to Claimant [REDACTED 1] in a previous decision. See *In re Account of Marcel Salomon* (approved on 1 July 2002).

<sup>3</sup> Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted a claim, numbered B-00668, on 12 February 1998 to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was forwarded by the HCPO to the CRT on 19 November 2003 and has been assigned Claim Number 650026. It is not clear why the claim was not forwarded to the CRT before that date.

<sup>4</sup> The CRT will treat the claim to this account in a separate determination.

was not available for consideration in the August 2002 Award. Subsequent review of Claimant [REDACTED 2]'s claim indicates that he is entitled to share in the original award amount, as detailed below.

### **The August 2002 Award**

In the August 2002 Award, the CRT determined that the Account Owner owned one savings/passbook account. The CRT further determined that Claimant [REDACTED 1] plausibly identified the Account Owner, that she plausibly demonstrated that she is related to the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his savings/passbook accounts. The CRT noted that the Bank's records indicated the value of the accounts, but pursuant to Article 29 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), because the account values were below the average value of the same or a similar type of account in 1945, the CRT determined that the value of the account was 830.00 Swiss Francs ("SF"), and that the August 2002 Award amount was SF 9,960.00. Finally, the CRT determined that Claimant [REDACTED 1] was entitled to the entire award amount.

### Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a claim to the Holocaust Claims Processing Office ("HCPO") identifying the Account Owner as his cousin, Georges Joseph, who was born on 19 September 1924 in Luxembourg. Claimant [REDACTED 2] indicated that Georges Joseph's father, [REDACTED], and Claimant [REDACTED 2]'s mother, [REDACTED], née [REDACTED], were brother and sister. Claimant [REDACTED 2] stated that his cousin resided at 18 rue de Strassbourg in Luxembourg until 10 May 1940 when the Nazis invaded Luxembourg. [REDACTED] explained that his cousin and his family fled from Luxembourg to Nice, France. Claimant [REDACTED 2] further explained that his cousin joined the Maquis as a resistance fighter against the Nazis. Claimant [REDACTED 2] indicated that his cousin, who was Jewish, was shot in Cuneo, Italy by the Italian fascists on 26 March 1943. Claimant [REDACTED 2] indicated that he was born in Mannheim, Germany on 30 September 1923.

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

As detailed in the August 2002 Award, the Bank's record indicates the name of the Account Owner. The record indicates that the Account Owner held one savings/passbook account, which was transferred to a suspense account.

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

#### Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

#### Claimant [REDACTED 2]'s Identification of the Account Owner

Claimant [REDACTED 2]'s cousin's name matches the unpublished 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.

The CRT notes that Claimant [REDACTED 2] filed a HCPO claim in 1998, asserting his entitlement to a Swiss bank account owned by his cousin, Georges Joseph, 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 Claimant [REDACTED 2] has based his present claims 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 Claimant [REDACTED 2] 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 Claimant [REDACTED 2].

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Georges Joseph, and indicates that his date of birth was 19 September 1924, and that he died on 26 March 1943 in Cuneo, both of which match the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Taking all of these factors into account, the CRT concludes that Claimant [REDACTED 2] has plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

As detailed in the August 2002 Award, the CRT determined that the Account Owner was a Victim of Nazi Persecution.

#### Claimant [REDACTED 2]'s Relationship to the Account Owner

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2] cousin. The CRT notes that Claimant [REDACTED 2] filed a HCPO claim in 1998, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 2] also identified information which 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that

Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

As detailed in the August 2002 Award, the CRT has concluded that the account's proceeds were not paid to the Account Owner or his heirs.

#### Basis for the Award Amendment

The CRT has determined that an Award may be made in favor Claimant [REDACTED 2]. First, Claimant [REDACTED 2]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner's cousin, and that relationship justifies an Award. Third, the CRT determined in the August 2002 Award that neither the Account Owner nor his heirs received the proceeds of the account.

#### Amount of the August 2002 Award

As detailed in the August 2002 Award, the Account Owner held one savings/passbook account. Pursuant to Article 29 of the Rules, when the value of an account is less than the average value of the same or similar type of account, 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 upon the investigation conducted by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a savings/passbook account was SF 830.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the August 2002 Award, the adjustment factor was 12, and the resulting award amount was SF 9,960.00.

Since the August 2002 Award, the adjustment factor has been raised to 12.5.

#### New Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award under pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage. As indicated above, Claimant [REDACTED 1] stated that the Account Owner was the only son of her father's cousin, and Claimant [REDACTED 2] stated that the Account Owner was the son of his maternal uncle. Accordingly, the CRT finds it fair and equitable that Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount.

#### Amount and Division of the Award Amendment

The CRT recognizes that Article 31(1) of the Rules adjusts account values based upon the length of time that has passed since 1945 and the awarding of the account. In this case, even though Claimant [REDACTED 1] was awarded in August 2002, Claimant [REDACTED 2], who is the subject of this award amendment, was not. Therefore, the CRT finds that the adjustment factor of 12.5, not 12, is the more appropriate factor to bring the value of his share of the awarded account to current value.

Recognizing that almost four years have passed since the August 2002 Award, and that there is no indication that Claimant [REDACTED 1] was aware that another equally entitled relative had filed a claim, the CRT determines that Claimant [REDACTED 2] is entitled to a payment from the Settlement Fund equaling his share of the award amount. As noted above, the total 1945 value of the Account Owner's account was SF 830.00. Claimant [REDACTED 2] is entitled to one-half of this amount, or SF 415.00. 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 an Award Amendment amount of SF 5,187.50.

Claimant [REDACTED 2] is entitled to the full amount of the Award Amendment.

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

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 Amendment**

The CRT certifies this Award Amendment for approval by the Court.

Claims Resolution Tribunal  
3 March 2006