

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

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

**in re Account of Fritz H. Josephsohn**

Claim Number: 224258/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Fritz H. Josephsohn (the “Account Owner”) at 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 a Claim Form identifying the Account Owner as his paternal uncle, Fritz Heinrich Josephsohn, who was born on 12 October 1897 in Munich, Germany, and was married to [REDACTED] on 31 January 1928 in Munich. According to the Claimant, his uncle divorced [REDACTED] in 1938 and had no children. The Claimant further indicated that his uncle was a journalist who lived from 1919 to 1921 at Uhlandstrasse 2 in Munich, and then until 4 January 1939 at Pliganserstrasse 76 in Munich 25. The Claimant stated that his uncle, who was Jewish, had to flee Germany in fear for his life in 1939. The Claimant indicated that his uncle settled in Montevideo, Uruguay, where he lived for some time, and that he died on 5 November 1961 in New York. The Claimant stated that he was born in Munich on 11 June 1929, and that he is his uncle’s only nephew.

In support of his claim, the Claimant submitted documents, including his uncle’s and his father’s wills, as well as his uncle’s German passport and death certificate. The Claimant’s uncle appointed his brother [REDACTED], the Claimant’s father, as his sole heir in his will. According to this will, the Claimant’s uncle had no children.

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

The bank record consists of a printout from the Bank’s database. According to this record, the

Account Owner was Fritz H. Josephsohn of Munich, Germany. The bank record does not indicate the type of account that the Account Owner held. The bank record shows that the account was opened in 1931, but does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of the account at issue.

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 activity on this account after 1945. There is no evidence in the bank record that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT’s Analysis**

### Identification of the Account Owner

The Claimant’s uncle’s name, city and country of residence match the published information about the Account Owner. The fact that the Claimant’s uncle’s middle name was “Heinrich” is consistent with the fact that the Account Owner’s middle initial was “H.” In support of his claim, the Claimant submitted his uncle’s German passport, issued on 23 October 1920 in Munich, Germany, which indicates that his full name was Fritz H. Josephsohn. The Claimant has also submitted documentation indicating that Fritz H. Josephsohn was the brother of his father, [REDACTED]. In the absence of evidence inconsistent with the Claimant’s identification of the Account Owner as his uncle and considering that there are no other claims to this 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 had to flee Germany in 1939 in fear for his life.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner is his father’s brother. There is no information to indicate that the Account Owner has other surviving heirs.

The Claimant is representing his son in these proceedings. According to Article 29 of the Rules, the Claimant, as the nephew of the Account Owner, is better entitled to the proceeds of the account than his son, who is the great-nephew of the Account Owner.

### The Issue of Who Received the Proceeds

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 Owner or his

heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not the Account Owner or his heirs received the proceeds of the 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 his paternal uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 of unknown type. 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

#### Division of the Award

As indicated above, the Claimant has a better entitlement to the account than his son, [REDACTED], and is therefore entitled to the entire Award amount.

#### **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  
May 15, 2003