

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Israel Feder

Claimant [REDACTED 2]

Claimant [REDACTED 3]

and Claimant [REDACTED 4]

in re Account of Frieda Steiner

Claim Numbers: 751095/BI;¹ 220816/BI; 723109/BI;² 001421/BI; 211519/BI

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], formerly [REDACTED], (“Claimant [REDACTED 1]”) to the published account of Frieda Steiner, the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of Rudolf Steiner,³ the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the account of Josef Steiner,⁴ and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-I-80-709-143-514, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 1]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 751095.

² [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB-0314-080, 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 723109.

³ In a separate decision, the CRT treated Claimant [REDACTED 2]’s (“Claimant [REDACTED 2]”) claim to the account of Rudolf Steiner. See *In re Account of Rudolf Steiner* (approved on 3 September 2005).

⁴ The CRT will treat the claim of Claimant [REDACTED 3] to the account of Josef Steiner in a separate determination.

“Claimants”) to the accounts of Hermann and Berta Steiner.⁵ This Award is to the published account of Frieda Steiner (the “Account Owner”) at the Zurich-Seefeld 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1998, identifying the Account Owner as his mother, Frieda Steiner, née Mencer (Menzer, Mencerova), who was born in 1894 in Racistorfe, Czechoslovakia (now the Czech Republic), and was married to [REDACTED]. Claimant [REDACTED 1] indicated that his mother, who was Jewish, resided in Nitra, Czechoslovakia (now Slovakia), before the Second World War. Claimant [REDACTED 1] further indicated that on an unknown date during the War, his mother fled from Nitra and tried to hide in Berlin, Germany, where the family owned assets, before being deported to Auschwitz, where she was declared missing. Claimant [REDACTED 1] explained that his father also owned assets in Slovakia and Berlin and deposited funds in Swiss banks.

Claimant [REDACTED 1] submitted his Slovakian birth certificate, indicating that his mother’s name was Frieda Steiner, née Mencer; and an excerpt from his register in the Israeli Ministry of Interior, indicating that his mother’s name was Frieda, that she was Jewish, and that the family name Steiner was changed to [REDACTED] on 26 April 1950. Claimant [REDACTED 1] indicated that he was born on 9 July 1926 in Nitra.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her mother, Bedriska (Frieda) Steinerova (Steiner), née Perelesova, who was born on 27 September 1892, and was married to [REDACTED] on 27 July 1920 in Strakonice, Czechoslovakia (now the Czech Republic).

In a telephone conversation with the CRT, Claimant [REDACTED 2] stated that her mother, who was Jewish, resided in Strakonice and Klatovy, Czechoslovakia (now the Czech Republic), before the Second World War, and that she passed away on 29 May 1934 in Klatovy. Claimant [REDACTED 2] further explained that the name Frieda Steiner is the German variation of the name Bedriska Steinerova.

Claimant [REDACTED 2] indicated that her father was a lawyer and a doctor of laws (JUDr.) and that her parents had two children, [REDACTED], who was born in Klatovy on 7 August

⁵ In a separate decision, the CRT treated Claimant [REDACTED 4]’s claim to the account of Hermann Steiner. See *In re Account of Hermann Steiner* (approved on 13 May 2005). The CRT will treat Claimant [REDACTED 4]’s claim to the account of Berta Steiner in a separate determination.

1921 and perished in Treblinka in 1943, and Claimant [REDACTED 2], who was born in Klatovy on 11 May 1923. Claimant [REDACTED 2] stated that her father was deported to Theresienstadt in 1941 and then to Auschwitz, where he perished on 2 October 1944.

Claimant [REDACTED 2] submitted her birth certificate and her identification card, indicating that her parents were [REDACTED] and Bedriska Steinerova, née Perelesova; her father's birth certificate, identifying him as [REDACTED]; and a detailed family tree. Claimant [REDACTED 2] indicated that she was born on 11 May 1923 in Klatovy.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an Initial Questionnaire ("IQ") identifying the Account Owner as her mother, Frida Steiner, who was married to [REDACTED] and resided in Sala Nad Vahom, then Czechoslovakia (in 1938 it was transferred to Hungary; now part of Slovakia).

Claimant [REDACTED 3] explained that her parents, who were Jewish, owned a factory and a winery in Sala Nad Vahom and that in 1940 the Hungarian authorities revoked their business license. Claimant [REDACTED 3] indicated that her father was arrested in 1941 and performed forced labor before he was deported to Dachau, where he perished. Claimant [REDACTED 3] indicated that in June 1944 she, her mother and her two brothers were deported to a ghetto in Érsekújvár, Hungary, and that a few days later they were deported to Auschwitz, where her mother and two brothers perished. Claimant [REDACTED 3] indicated that she was born on 16 February 1926 in Sala Nad Vahom.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her paternal aunt, Frida Grill, née Steiner, who was born in 1916 in Kosow, Poland, and was married to [REDACTED]. According to Claimant [REDACTED 4], her aunt, who was Jewish, was killed during the first deportation of Jews from Kosow, at the age of 25. Claimant [REDACTED 4] indicated that her father owned a carpet factory in Kosow, was a prominent leader in the community and served as the president of the Hebrew school. Claimant [REDACTED 4] explained that her father traveled to Switzerland every year and told his family that he had deposited funds in Swiss banks. Claimant [REDACTED 4] indicated that her father, her brothers, and all her paternal uncles and aunts perished in Auschwitz, and that only she and her mother survived.

Claimant [REDACTED 4] indicated that she was born on 10 May 1938 in Kosow, Poland. Claimant [REDACTED 4] previously submitted an IQ to the Court in 1999 and an ATAG Form in 1998, asserting her entitlement to a Swiss bank account owned by Hermann and Berta Steiner.⁶

⁶ See note 5, *supra*.

Information Available in the Bank's Records

The Bank's records consist of a list of suspended accounts and of printouts from the Bank's database. According to these records, the Account Owner was Frieda Steiner. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one savings/passbook account numbered 4969. The Bank's records further indicate that the account was transferred to a suspense account on an unknown date, and that the balance in the account as of 15 June 1977 was 7.55 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s mother's name, Claimant [REDACTED 2]'s mother's name, Claimant [REDACTED 3]'s mother's name and Claimant [REDACTED 4]'s aunt's name match 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 her name.

In support of their claims, Claimant [REDACTED 1] submitted his birth certificate, indicating that his mother's name was Frieda Steiner, née Mencer, and his Israeli identification card, indicating that his mother's name was Frieda Steiner; Claimant [REDACTED 2] submitted her birth certificate and her identification card, indicating that her parents were [REDACTED] and Bedriska Steinerova, née Perelesova. These documents provide 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Frieda Steiner, née Muenzer, and indicates that she was born on 20 October 1894 and that she was deported from Berlin to Auschwitz on 19 April 1943, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database further includes a page of testimony submitted by Claimant [REDACTED 3]'s sister in April 1999, which indicates that Frida Steiner, née Ehrenthal, was born in 1894 in Sala, Slovakia, to [REDACTED] and [REDACTED], that she was married to [REDACTED], and that she perished in 1944 in Auschwitz with her two sons, which matches the information about the Account Owner provided by Claimant [REDACTED 3]. The database additionally includes pages of testimony submitted by Claimant [REDACTED 4]'s mother on 27 March 1957, indicating that Frida Grill, née Steiner, was born in 1916 in Kosow, that she was married to [REDACTED], who was a merchant, that they had three children and that she perished in Kosow in 1942, which matches the information about the Account Owner provided by Claimant

[REDACTED 4]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that Claimants [REDACTED 1] and [REDACTED 4] filed an ATAG Form in 1998 and that Claimant [REDACTED 3] filed an IQ in 1999, asserting their entitlement to a Swiss bank account, prior to the publication in February 2001 of the list of accounts determined by Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that Claimants [REDACTED 1], [REDACTED 4] and [REDACTED 3] have based their 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 their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimants [REDACTED 1], [REDACTED 4] and [REDACTED 3] had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimants [REDACTED 1], [REDACTED 4] and [REDACTED 3].

The CRT notes that Claimant [REDACTED 1]’s relative, Claimant [REDACTED 2]’s relative, Claimant [REDACTED 3]’s relative and Claimant [REDACTED 4]’s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank’s records; that there is no additional information in the Bank’s records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that the Account Owner perished at Auschwitz. As noted above, a person named Frieda Steiner, née Muenzer, was included in the CRT’s database of victims.

The CRT notes that while Claimant [REDACTED 2] has not indicated that the Account Owner was a Victim of Nazi Persecution, the Account Owner’s spouse and direct heir was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner’s spouse, [REDACTED], was Jewish, and that he was deported to Theresienstadt in 1941 and then to Auschwitz, where he perished on 2 October 1944.

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that she was deported to Auschwitz in June 1944, where she perished. As noted above, a person named Frida Steiner, from Sala, Slovakia, was included in the CRT’s database of victims.

Claimant [REDACTED 4] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish, and that she was killed by the Nazis in 1942 in Kosow. As noted above, a person named Frida Grill, née Steiner, from Kosow, was included in the CRT’s database of victims.

The Claimant's Relationship to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Accounts Owner was Claimant [REDACTED 1]'s mother. These documents include Claimant [REDACTED 1]'s birth certificate and his Israeli identification card, indicating that his mother's name was Frieda Steiner, née Mencer.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Accounts Owner was Claimant [REDACTED 2]'s mother. These documents include Claimant [REDACTED 2]'s birth certificate and her identification card, identifying her parents as [REDACTED] and Bedriska Steinerova, née Perelesova.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Accounts Owner was Claimant [REDACTED 3]'s mother. The CRT notes that Claimant [REDACTED 3] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimants, prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 3] also identified information which matches information contained in the Yad Vashem records.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Accounts Owner was Claimant [REDACTED 4]'s aunt. These documents include Claimant [REDACTED 4]'s detailed family tree indicating that her aunt was Frida Steiner and that she was married to [REDACTED]. The CRT notes that Claimant [REDACTED 4] filed an IQ with the Court in 1999 and an ATAG Form in 1998, identifying the relationship between the Account Owner and the Claimants, prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 4] also identified information which matches information contained in the Yad Vashem records.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on an unknown date and that it remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimants [REDACTED 1], [REDACTED 2] and [REDACTED 3] have plausibly demonstrated

that the Account Owner was their mother, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her aunt, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of this account as of 15 June 1977 was SF 7.55. In accordance with Article 31(1) of the Rules, these amounts are increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the accounts between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 502.55. According to Article 29 of the Rules, if the amount in a savings/passbook 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 10,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, the Claimants are each entitled to one-fourth of the 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 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

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
18 December 2007