

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]¹

in re Accounts of Heinz Ullmann

Claim Number: 221145/LH²

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Heinz Ullmann (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 father, Heinz Albert Ullmann, who was born on 15 May 1898 in Frankfurt am Main, Germany, and was married to [REDACTED], née [REDACTED], on 7 January 1929 in Frankfurt am Main. The Claimant stated that his father was an engineer and a company director and that his parents had two children, the Claimant and [REDACTED 2], the Claimant’s brother, whom he represents. According to an unsigned statement by the Claimant’s father, dated 1 May 1939, in Melbourne, Australia, Henry Albert Ullmann was Protestant but of Jewish descent, and in 1935 he and his family were forced to flee first to Milan, Italy, and then, on 5 March 1939, to Melbourne as a result of Nazi racial legislation in Germany and Italy. The Claimant further stated that his father passed away on 15 July 1985 in Melbourne and that his mother passed away on 6 July 1998, also

¹ On 21 March 2005, [REDACTED 3]’s husband, [REDACTED], informed the CRT that she passed away on 24 December 2004 and provided the CRT with a copy of her death certificate.

² The Claimant submitted two additional claims, which are registered under the Claim Numbers 401869 and 401866 respectively. The CRT will treat claim 401869 in a separate determination. In a separate decision, the CRT treated the Claimant’s claim 401866 to the accounts of Paul Jakob Wertheim. See *In re Accounts of Paul Jakob Wertheim* (approved on 31 January 2007). Finally, in a separate decision, the CRT awarded the accounts of Eric Ullmann, Hilde Ullmann, and *Albert Stiftung* to the Claimant and Claimant Steven Keith Lane and the parties they represented. See *In re Accounts of Eric Ullmann, Hilde Ullmann, and Albert Stiftung* (approved on 18 November 2004).

in Melbourne. In support of his claim, the Claimant submitted copies of the following documents: (1) his father's identification card for persons living in the zone occupied by the French army, dated 19 February 1924, indicating that Heinz Ullmann was born on 15 May 1898 in Frankfurt and that he resided in Königstein, Germany; (2) his father's identity card for commercial travel, dated 5 January 1929, indicating that his name was Heinrich Ullmann, that he was born on 15 May 1898 in Frankfurt am Main, where he also worked and resided; (3) his father's driver's license, dated 11 May 1937, indicating that his name was Heinz Ullmann and that he was born on 15 May 1898 in Frankfurt am Main, where he also resided; (4) a Notarial Deed of a Family Foundation relating to the *Albert-Foundation*, dated 31 January 1938, indicating that Heinrich (known as Heinz) Ullmann-Wertheim was a resident of Milan; (5) the statement by his father, dated 1 May 1939, summarized above; and (6) the birth certificate of [REDACTED 3], the Claimant's cousin whom he also represents, indicating that she was born on 5 July 1924 in Berlin, Germany, and that her parents were [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that he was born on 20 September 1937 in Milan. The Claimant is representing his brother, [REDACTED 2], who was born on 29 April 1930 in Frankfurt am Main, and his cousin, [REDACTED 3], née [REDACTED 3] (formerly [REDACTED 3]), who was born on 5 July 1924 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Heinz Ullmann, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held one demand deposit account, and one custody account, numbered L36890. According to this record, the custody account was opened on 31 December 1929 and closed on 31 December 1935, and the demand deposit account was opened on 30 April 1930 and closed on 20 January 1934. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner.³ The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

³ The CRT notes that the Claimant submitted documents alternately indicating that his father's first name was Heinz, Heinrich and Henry. The CRT notes that these are all variations of the same name: Heinz is the German pet form of the name Heinrich and Henry is the English variation of the name Heinrich.

In support of his claim, the Claimant submitted copies of documents, including his father's identity cards and driver's license, a Notarial Deed of a Family Foundation and a statement by their father, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Heinz Ullmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT further notes that there are no other claims to these accounts.

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 of Jewish heritage and that, due to Nazi persecution, he was forced to flee Germany and later Italy for Australia.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted copies of his father's identity cards and driver's license. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant 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 other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1935, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that the Account Owner fled Nazi Germany in 1935; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank 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; given the

application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendices A and C),⁴ the CRT concludes that it is plausible that the accounts 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 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 and represented party [REDACTED 2]. 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 and [REDACTED 2]’s father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Further, the CRT notes that the Claimant and represented party [REDACTED 2], as the Account Owner’s sons, have a better entitlement to the accounts than represented party [REDACTED 3], the Account Owner’s niece.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody 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 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs and the average value of a custody account was SF 13,000.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. 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 a total award amount of SF 189,250.00.

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] and his cousin, [REDACTED 3]. Accordingly, the Claimant and his brother [REDACTED 2] are each entitled to receive one-half of the total award amount. As noted above, represented party [REDACTED 3], is not entitled to share in the award.

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 October 2007