

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]

to Claimant [REDACTED 3]
represented by [REDACTED]

to Claimant [REDACTED 4]

and to Claimant Jakob Unger

in re Account of Jakob Unger

Claim Numbers: 202929/MW; 208470/MW; 712583/MW;¹ 770870/MW²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED],³ the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the account of Jakob Unger, the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) to the account of Jakob Unger, and the claim of Jakob Unger (“Claimant J. Unger”) to the account of [REDACTED] (together the “Claimants”). This Award is to the published account of Jakob Unger (the “Account Owner”) at the Schaffhausen 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.

¹ [REDACTED 4] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB 0041 109, 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 712583.

² Jakob Unger did not submit a Claim Form to the CRT. However, in 1999 he submitted an IQ numbered Eng 0032 129, to the Court in the United States. The IQ was forwarded to the CRT and has been assigned Claim Number 770870.

³ The CRT has previously awarded this account to Claimant [REDACTED 1]. See *In re Accounts of Wilhelm Unger, Grete Unger, Adolf Unger, Ludwig Unger and Adolf Unger & Sohn*, which was approved by the Court on 8 April 2004.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal grandfather, Jakob Unger. Claimant [REDACTED 1] indicated that her mother, [REDACTED], who was Jewish, fled Austria in 1938 to escape Nazi persecution and submitted her parents' marriage certificate, indicating that [REDACTED]'s father was Jakob Unger. Claimant [REDACTED 1] indicated that she was born on 21 April 1920 in Vienna, Austria. Claimant [REDACTED 1] represents her sister, [REDACTED 2], who was born on 10 May 1923 in Vienna.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his father, Jakob Unger, who resided at 3 Kolontaja in Bendzin, Poland, and was married to [REDACTED] in Bendzin. Claimant [REDACTED 3] indicated that his father, who was Jewish, was a textile merchant and owned a company by the name of *Sklep Manufaktura Jakob Unger*, which was located at 6 Kollataja in Bedzin. Claimant [REDACTED 3] stated that the Nazis killed his father on 7 September 1939, along with other members of the Bedzin town council.

Claimant [REDACTED 3] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Jakob Unger. Claimant [REDACTED 3] indicated that he was born on 13 March 1912 in Bedzin, Poland.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as his father, Jakob Ungar, who was born on 4 December 1901 in Frauenkirchen, Austria. Claimant [REDACTED 4] explained that Jakob Unger, who was Jewish, and his brother, [REDACTED], owned three stores in Eisenstadt, Austria. Claimant [REDACTED 4] further explained that the Nazis confiscated all Jakob Ungar's assets as well as the assets of other members of the Ungar family. Claimant [REDACTED 4] indicated that he was born on 26 September 1932 in Eisenstadt.

Claimant J. Ungar

Claimant J. Ungar submitted an IQ identifying the Account Owner as himself, Jakob Ungar, who was born on 22 December 1924 in Papa, Hungary. Claimant J. Ungar explained that he resided at Corvin Utca 10 in Papa prior to the entry of the German army into Hungary. Claimant J. Ungar, who is Jewish, further explained that he was imprisoned in the Flossenburg and Buchenwald concentration camps, and that he was eventually liberated from Buchenwald by American soldiers. Claimant J. Ungar indicated that his grandfather, [REDACTED] owned a wood business, which the Nazis confiscated. Claimant J. Ungar further indicated that the Nazis deported most of his family to Auschwitz, where they all perished.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Jakob Unger. The Bank's record does not indicate the city or country of residence of the Account Owner. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 6433. The Bank's record indicates that the balance of the account was 5.20 Swiss Francs ("SF") on 17 November 1987, on which date the account was transferred to a suspense account for dormant assets.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names match the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of her claim, Claimant [REDACTED 1] submitted her parents' marriage certificate, indicating that [REDACTED]'s father was Jakob Unger, which provides independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT further notes that Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant J. Ungar filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Jakob Unger, Jakob Ungar,⁴ and Jakab Ungar,⁵ respectively, prior to the publication in February 2001 of the 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"). This indicates that Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant J. Ungar have based their 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 their relative, and in Claimant J. Ungar's case, as himself, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] and Claimant [REDACTED 4] had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List, and that Claimant J. Ungar had reason to believe that he owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant J. Ungar.

⁴ The CRT notes that Ungar is a common variation of the name Unger.

⁵ The CRT notes that Jakab is the Hungarian equivalent of Jacob.

The CRT notes that Claimant [REDACTED 1]'s grandfather, Claimant [REDACTED 3]'s father, Claimant [REDACTED 4]'s father, and Claimant J. Ungar 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 record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record 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 3], Claimant [REDACTED 4], and Claimant J. Ungar have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that the Account Owner was Jewish, and that his daughter was forced to flee Austria to avoid Nazi persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that he was killed by the Nazis. Claimant [REDACTED 4] stated that the Account Owner was Jewish and that his stores were confiscated by the Nazis. Claimant J. Ungar, who is Jewish, stated that he was imprisoned in the Flossenburg and Buchenwald concentration camps, and that his family perished in Auschwitz.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner, or in the case of Claim J. Ungar, plausibly demonstrated that he is the Account Owner, by submitting information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s maternal grandfather, Claimant [REDACTED 3]'s father, Claimant [REDACTED 4]'s father, and Claimant J. Ungar. These documents include the marriage certificate of Claimant [REDACTED 1]'s parents, indicating that her mother's father was Jakob Unger. The CRT notes that Claimant [REDACTED 3], Claimant [REDACTED 4] and Claimant J. Ungar filed IQs with the Court in 1999, identifying the relationship between the Account Owner and Claimants [REDACTED 3], [REDACTED 4], and J. Ungar prior to the publication in February 2001 of the ICEP List. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant [REDACTED 1]'s sister whom she represents.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s maternal grandfather, Claimant [REDACTED 3]'s father, Claimant [REDACTED 4]'s father, and Claimant J. Ungar, and those relationships justify 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the unknown type of account was SF 5.20 as of 17 November 1987. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00 which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 690.20. According to Article 29 of the Rules, if the amount in an unknown type of account was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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. Furthermore, 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, Claimant [REDACTED 1] is representing her sister, [REDACTED]. Accordingly, Claimant [REDACTED 1] and [REDACTED 2] are each entitled to one-eighth of the Award amount, and Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant J. Ungar 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
24 December 2004