

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1]

and [REDACTED 2]

## **in re Accounts of Maximilian Weich**

Claim Numbers: 500475/LK; 500581/LK

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Maximilian Weich (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimants**

The Claimants submitted Claim Forms identifying the Account Owner as their father, Maximilian Weich, who was born on 3 November 1893 in Demycze Sniatyn, Poland, and was married to [REDACTED] on 2 August 1936 in Vienna, Austria. The Claimants stated that their father was an economic and legal advisor at the *Creditanstalt-Bankverein* in Vienna, and that he lived at Mariahilferstrasse 71 in Vienna. According to Claimant [REDACTED 2], his father held the professional title of doctor. The Claimants further stated that their father, who was Jewish, was imprisoned from 1938 to 1939 by the Nazi regime in Vienna, and that in 1939 he fled to London, the United Kingdom. According to the Claimants, their father died on 5 December 1969 in London. The Claimants submitted their respective birth certificates, which identify their father’s name, and Claimant [REDACTED 2] submitted his father’s death certificate. Claimant [REDACTED 1] stated that she was born on 29 May 1937 in Vienna, and Claimant [REDACTED 2] stated that he was born on 16 March 1945.

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

The Bank's records consist of documents relating to the 1945 freeze of assets held in Switzerland by citizens of Germany and territories incorporated into the Third Reich; documents relating to the 1962 survey of dormant assets held by foreigners or stateless persons who presumably were victims of racial, political or religious persecution; an account-registry card; a signature sample card; internal notes; account closure cards; and printouts from the Bank's database. According to these records, the Account Owner was Dr. Maxim Weich who resided at Mariahilferstrasse 71 in Vienna, Austria. The Bank's records indicate that the Account Owner instructed the Bank on 19 March 1938 and 25 July 1938 to send any correspondence to Louis Oestreicher who resided in Ceska-Lipa, Czechoslovakia.

The Bank's records further indicate that the Account Owner held a demand deposit account, numbered 280'743 and two custody accounts, one of which was numbered 39347 and the other was unnumbered. These records also indicate that the demand deposit account had a balance of 572.50 Swiss Francs on 17 February 1945 and was closed to fees on 11 January 1985. According to the Bank's records, the custody account numbered 39437 was closed by 19 August 1938, and the unnumbered custody account was closed on 4 December 1935. The Bank's records do not show the values of the custody accounts. There is no evidence in the Bank's records that the Account Owner or his heirs closed the custody accounts and received the proceeds themselves.

## **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Maximilian Weich, numbered 47307. The records indicate that Maximilian Weich was a bank official and that he resided at Mariahilferstrasse 71 in Vienna 7. The records further indicate that Maximilian Weich had submitted his census form late, because he had been in prison. According to the records, Maximilian Weich held assets totaling approximately 1,600.00 Reichsmarks (1938 value). These records make no mention of assets held in a Swiss bank account.

## **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 two claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their father's name matches the published name of the Account Owner. The Claimants identified their father's street address, and city of residence, which match unpublished information about the Account Owner contained in the Bank's records. The CRT notes that Claimant [REDACTED 2] identified his father's professional title and the Claimants' mother's maiden name matches the last name of the person to whom the Account Owner directed the Bank to send all correspondence, both of which match unpublished information contained in the Bank's records. In support of their claims, the Claimants submitted documents, including their respective birth certificates that identify their father's name as the same name as the Account Owner. Claimant [REDACTED 2] also submitted his parents' probate documents. The CRT notes that there are no other claims to these accounts.

### 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. The Claimants stated that the Account Owner was Jewish and was imprisoned by the Nazi regime in Austria, and that after imprisonment he fled Austria for the United Kingdom.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents, including their birth certificates, demonstrating that the Account Owner was their father.

### The Issue of Who Received the Proceeds

With respect to the demand deposit account, the Bank's records indicate that this account was closed by fees on 21 January 1985.

With respect to the custody account numbered 39437 closed by 18 August 1938, the facts of this case are similar to other cases that have come before the CRT in which, after March 1938 Nazi annexation of Austria (the "*Anschluss*"), Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the Account Owner was imprisoned by the Nazi regime in Austria from 1938 to 1939; that the Account Owner would not have been able to repatriate his account to Austria without its confiscation at the time it was closed in 1938; that there is no indication in the Bank's records that the Account Owner or his heirs received the proceeds of the account; and given the application of Presumptions (a), (f), (h) and (j), as provided in Article 28 of 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 Account Owners or their heirs received the proceeds of their accounts.

With respect to the unnumbered custody account closed on 4 December 1935, given that this account was closed more than two years before the March 1938 *Anschluss*, the CRT concludes that the Account Owner closed the account and received its proceeds.

#### 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 their father and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the demand deposit account and that it is plausible that neither the Account Owner nor his heirs received the proceeds of custody account 39437.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. With respect to the demand deposit account, the Bank's records indicate that the value of the demand deposit account as of 17 February 1945 was 572.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a current value for the demand deposit account of 26,750.00 Swiss Francs.

With respect to the 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 a 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The current value of this amount is determined by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a current value for the custody account of 162,500.00 Swiss Francs. Consequently, the total award amount is 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 Claimants are the Account Owner's children. Accordingly, the Claimants are each entitled to one-half of the total 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  
6 February 2004