CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Theodor Schneider

Claim Number: 201578/MI

Award Amount: 59,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the "Claimant") to the published accounts of Theodor Schneider (the "Account Owner") at the Biel branch of the [REDACTED] ("Bank I") and the [REDACTED] ("Bank II") (together the "Banks").[1]

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 banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Theodor Schneider, who was born on 12 February 1900 in Petroutz, Romania, and was married to [REDACTED], née [REDACTED], on 24 November 1929 in Vienna, Austria. The Claimant stated that her father resided at Dianagasse 3 in Vienna until 1939. The Claimant explained that her father, who was Jewish, attempted to enter Switzerland at the end of 1939 with his wife, in part because they had money in a Swiss account. The Claimant further stated that her parents were turned away at the border and fled instead to Genoa, Italy. According to the Claimant, from 1939 through 1944, her father was arrested several times and temporarily held at different internment camps in Italy. The Claimant also indicated that, following her birth in 1943, her father and mother attempted again to emigrate to Switzerland, but were once again turned away at the border. Finally, the Claimant stated that her father was arrested by German troops in Lessolo, Italy, on 12 February 1944, and deported to Auschwitz, where he perished.

[1] The CRT notes that the auditors who carried out the investigation of these banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") did not determine that the accounts at issue were held by the same individual. However, given that there is no information to the contrary, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

The Claimant submitted copies of documents in support of her claim, including: the marriage certificate of Theodor Schneider and [REDACTED], indicating that they were married in Vienna; a document issued by a court in Austria, indicating that Theodor Schneider was deported from Italy to an unidentified concentration camp, and never heard from thereafter, and therefore declaring him deceased as of 8 May 1945; and her own birth certificate, indicating that Teodoro Schneider was her father.[2] The Claimant indicated that she was born on 2 May 1943 in Ivrea, Italy.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Theodor Schneider.

Information Available in the Banks' Records

Bank I

Bank I's record consists of a printout from Bank I's database. According to this record, the Account Owner was Theodor Schneider. Bank I's record does not indicate the Account Owner's domicile. Bank I's record indicates that the Account Owner held an account, numbered 21162, the type of which is not indicated.

Bank I's record indicates that the last contact with the Account Owner took place on 9 July 1937, and that the account was transferred to a suspense account for dormant assets on 28 February 1977. The amount in the account on the date of its transfer was 1.15 Swiss Francs ("SF"). The account remains suspended.

Bank II

Bank II's records submitted by 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") consist of printouts from Bank II's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank II to obtain additional information about the account at issue ("Voluntary Assistance"). Bank II provided the CRT with an additional document. This document consists of a list of dormant savings/passbook accounts. According to these records, the Account Owner was Theodor Schneider. Bank II's records do not indicate the Account Owner's domicile. Bank II's records indicate that the Account Owner held a savings/passbook account, numbered 34633. Bank II's records further indicate that the account was considered dormant by Bank II and was transferred to a suspense account on 31 December 1957. The amount in the account on the date of its transfer was SF 1.25. The account remains suspended.

[2] The CRT notes that "Teodoro" is the Italian equivalent of "Theodor," and that the birth certificate was issued in Italy.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Banks' records do not contain any specific information about the Account Owner other than his name.

In support of her claim, the Claimant submitted copies of documents, including the marriage certificate of Theodor Schneider and [REDACTED], a court decision declaring Theodor Schneider deceased, and her own birth certificate, identifying her father as Teodoro Schneider, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Banks' 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 Theodor Schneider, and indicates that he was born in Petroutz, Romania on 12 February 1900, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Theodor Schneider, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Furthermore, the CRT notes that there are no other claims to these accounts. Taking all of these factors into 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, that he fled Austria after its incorporation into the Reich in March 1938 (the "*Anschluss*"), that he was held at various internment camps in Italy, and that, on 12 February 1944, he was deported to Auschwitz, where he perished. The Claimant also submitted a copy of a court decision declaring her father deceased, indicating that he was deported from Italy to an unidentified concentration camp. As noted above, a person named Theodor Schneider was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a copy of her own birth certificate, indicating that her father was Teodoro Schneider. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The records of Bank I and Bank II indicate that the accounts were transferred to suspense accounts on 28 February 1977 and 31 December 1957, respectively, and that they remain there.

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 her father, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one account of unknown type and one savings/passbook account.

Bank I's record indicates that the value of the account of unknown type as of 28 February 1977 was SF 1.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 496.15. According to Article 29 of the Rules, if the amount in an account of unknown type 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.

Bank II's record indicates that the value of the savings/passbook account as of 31 December 1957 was SF 1.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 196.25. 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.

Thus, the total 1945 average value of the accounts at issue is SF 4,780.00. The current value of the amount of the award 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. Consequently, the total award amount in this case is SF 59,750.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
29 March 2006