

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Froehlich
also acting on behalf of Gerald Lawrence Froehlich and Alice Froehlich

in re Account of Manfred Fröhlich

Claim Number: 220438/ZP

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Peter Froehlich (the “Claimant”) to the account of Manfred Fröhlich (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Manfred Fröhlich, who was married to Lina Fröhlich, née Rothschild. The Claimant stated that the couple had two children: Hermann Jakob Fröhlich, the Claimant’s father, who was born on 2 January 1912, in Mainz, Germany, and died on 11 March 1966, in Yorktown, New York; and Margot Mayer, née Fröhlich, who was born in 1920 in Mainz, and died in December 1991 in New York, New York. The Claimant stated that his grandfather, who was Jewish, lived and worked in Mainz, where he was a businessman and owned his own store. The Claimant further stated that his grandfather died on 17 February 1942 in Mainz, and that his grandmother was deported to a concentration camp in 1942 and was never heard from again. The Claimant submitted his father’s birth certificate indicating that his father, Hermann Jakob Fröhlich, was born to Manfred Fröhlich and Lina Fröhlich, née Rothschild, who were both Jewish, in Mainz on 2 January 1912, his own birth certificate and his brother’s birth certificate indicating that they are the children of Hermann and Alice Froehlich.

The Claimant indicated that he was born on 18 November 1942 in Brooklyn, New York. The Claimant is representing his brother, Gerald Lawrence Froehlich, who was born on 8 January

¹ In a separate decision, the CRT has awarded the Claimant an account belonging to Lina Fröhlich, whom the Claimant also identified in the same Claim Form.

1946 in Brooklyn; and his mother, Alice Froehlich, née Marcuse, who was born on 9 August 1911 in Berlin, Germany.

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 Manfred Fröhlich, who resided in Mainz, Germany. The Bank's record indicates that the Account Owner held custody account, numbered 18825. The account was opened on 28 March 1935 and was closed on 12 November 1935, unknown by whom. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified his grandfather's city of residence, which matches published information about the Account Owner contained in the Bank's record. The name and city of residence of the Claimant's grandfather, the claimed Account Owner, are the same as those of the Account Owner's as recorded in the Bank's records, as evidenced by the birth certificate of the Claimant's father, which the Claimant submitted to the CRT. The CRT notes that there are no other claims to this account. Taking all 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 and lived in Nazi-controlled Germany where he died in 1942, and his wife was killed in a concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that Manfred Fröhlich was his grandfather.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, that the Account Owner's account was closed in November 1935, the Account Owner remained in Germany until 1942 when he died, the death of the Account Owner's wife in concentration camp, and 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 Appendix A), and Appendix C,² 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.

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 his grandfather, and that relationship justifies an Award. Finally, 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 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 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(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 mother and his brother in these proceedings. Thus, the Claimant’s mother, who is related to the Account Owner by marriage is not entitled to receive any portion of any payment made to the Claimant. Accordingly, the Claimant’s brother, who is a direct descendent of the Account Owner, is entitled to receive one half of any payment made to the Claimant.

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).

² Appendix C appears on the CRT II website – www.crt-ii.org.

Certification of the Award

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

Claims Resolution Tribunal
July 15, 2003