

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED], née [REDACTED]

in re Account of Alfred Bär

Claim Number: 601029/IG¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the accounts of Alfred Baer and [REDACTED].² This Award is to the account of Alfred Baer (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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her father-in-law, Alfred Baer, who was born on an unknown date in Germany, and was married to [REDACTED]. The Claimant stated that her father-in-law, who was Jewish, lived in Rodalben, Germany, where he owned a dry goods business. The Claimant further stated that her father-in-law, her mother-in-law, [REDACTED], and three of their children perished in Auschwitz. According to the Claimant, her husband, [REDACTED], was the only surviving child of Alfred and [REDACTED] Baer. The Claimant stated that her husband was told by his family that the family maintained business accounts in Switzerland and that the assets were deposited in the Swiss banks by his parents and cousins, who hoped to escape Nazi persecution and re-settle in the United States. The Claimant also stated that, after the Second World War, her husband received approximately 7,000.00 United States Dollars from the German government as reparation for loss of education. The Claimant indicated that she was born on 19 July 1928 in Brooklyn, New York, the United States.

¹ The Claimant submitted a claim, numbered B-01326, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601029.

² The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank Records

The bank records consist of lists of accounts transferred to the Bank's profit and loss account. According to these records, the Account Owner was Alfred Bär who resided in an unknown country. The bank records indicate that the Account Owner held an account of an unknown type, which was transferred to a collective account at the Bank and later closed to the Bank's profit and loss account. The bank records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father-in-law's name matches the unpublished name of the Account Owner. In support of her claim, the Claimant submitted documents including her husband's death certificate in which the Account Owner's name is indicated.

The CRT notes that the Claimant filed an HCPO claim form in October 1998, asserting her entitlement to a Swiss bank account owned by Alfred Bär, 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.

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 perished in Auschwitz with his wife and three of their children.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alfred Baer, and indicates that he was deported in 1940 from the German town of Bruchsal to Gurs, which plausibly correlates with the information about the Account Owner provided by the Claimant, as the German town of Rodalben, where the Account Owner resided, is located in the vicinity of Bruchsal (ca. 70 km). The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is the widow of the Account Owner's only surviving child. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was taken into bank profits.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her father-in-law, 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

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 30,810.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

October 24, 2002