

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Felix and Richard Bär

Claim Number: 501551/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Felix Bär. This Award is to the published account of Felix Bär (“Account Owner Felix Bär”) and Richard Bär (“Account Owner Ricahrd Bär”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 Form identifying Account Owner Felix Bär as her father, Felix Bär,³ who was born on 14 March 1904 in Bruchsal, Baden, Germany, and was married to [REDACTED], formerly [REDACTED], on 10 December 1934 in Berlin, Germany. In telephone conversations on 18 April and 15 June 2005, the Claimant identified Account Owner Richard Bär as her father’s elder brother, Richard Bär, who was born on 28 January 1898 in Bruchsal, and was married to [REDACTED], née [REDACTED]. The Claimant stated that Felix and Richard Bär, who were Jewish, were the sons of [REDACTED] and [REDACTED], née [REDACTED], of Bruchsal and that at a comparatively young age the sons took over the family’s leather tannery, *R. F. Baer*, when their father could no longer manage the business. The Claimant stated that her father, Felix, was the principal manager of the business, and that he also owned a Swiss company, *Anol AG*, in Zug, Switzerland. The Claimant also stated that after the

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 501549. The CRT will treat the claim to this account in a separate decision.

² The CRT notes that, on the February 2001 published 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”), the name of Richard Bär is published as Richard D. Bär. Upon careful review, the CRT has concluded that the Bank’s records do not evidence the existence of a middle initial for Richard Bär.

³ The CRT notes that the Claimant’s father’s name is spelled both “Bär” and “Baer,” as “ä” is the equivalent of “ae.”

Nazis came to power, her father and his family fled to Zug and then via London, England and Montreal, Canada to New York, New York, the United States. The Claimant stated that Richard Bär also fled to Zug and then to New York. The Claimant further stated that she is her parents' only child and that in 1953 her family changed their name from Bär to [REDACTED]. The Claimant stated that her father died on 4 May 1967 in New York and that her mother died on 29 April 2001 in New York. The Claimant stated that Richard and [REDACTED] Bär also died in New York.

In support of her claim, the Claimant submitted her parents' marriage certificate, indicating their names and their place of marriage as Berlin, Germany; her father's certificate of naturalization, indicating his former German nationality; the certificate of the change of name from Baer to [REDACTED] for Felix Baer, [REDACTED], and [REDACTED]; the death certificate of Felix [REDACTED], showing that he was born in Germany, and that his wife was [REDACTED]; the death certificate of [REDACTED], showing that her daughter's name was [REDACTED]; and the New York County Surrogate's Court letters of administration for her mother's estate. The Claimant stated that she was born on 23 October 1941 in New York City.

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's ledgers and a list of closed accounts. According to these records, the Account Owners were Felix and Richard Bär, who resided in Germany. These records indicate that the Account Owners held one account, numbered 227863, the type of which is not indicated. The Bank's records also indicate that the account was considered dormant by the Bank and was transferred into a suspense account on or before 30 June 1964. The amount in the account on that date was 25.00 Swiss Francs ("SF"). According to the Bank's records, the account was subsequently booked out from the suspense account. The Bank's records further indicate that the account was closed to fees on 11 February 1971.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's father's and uncle's names and country of residence match the published names and country of residence of the Account Owners. Moreover, given that the names Felix and Richard Bär appeared separately in the February 2001 list of accounts determined by Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), with no indication that the two Account Owners held a joint account; that the link between Felix and Richard Bär thus constitutes unpublished information; and given that the Claimant identified this link, the CRT notes that the Claimant identified unpublished information contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her parents' marriage certificate and her father's certificate of naturalization, providing independent verification that

the person who is claimed to be Account Owner Felix Bär had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of Account Owner Felix Bär. The CRT notes that the names Felix and Richard Bär appear only once each on the ICEP List. The CRT notes that there are no other claims to this account.

Status of the Accounts Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they fled Nazi Germany.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Felix Bär was the Claimant's father and that Account Owner Richard Bär was her paternal uncle. These documents include the certificate of change of name for Felix Baer, [REDACTED], and [REDACTED]; the death certificate of Felix [REDACTED], which shows that his wife was [REDACTED]; and the death certificate of [REDACTED], which shows that her daughter is [REDACTED].

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees on 11 February 1971.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners were her father and uncle, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one account of unknown type. The Bank's records indicate that the value of the account as of 30 June 1964 was SF 25.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 325.00. 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. 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, to produce a total award amount of SF 49,375.00.

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
21 September 2005