

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Henri Bauer

Claim Number: 219268/PY

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Henri Bauer (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 Form identifying the Account Owner as her father, Henri Bauer, who was born on 4 January 1887 in Wolfisheim, France, to [REDACTED] and [REDACTED], née [REDACTED], and was married to [REDACTED], née [REDACTED], on 28 August 1919 in Wingersheim, France. The Claimant stated that her father, who was Jewish, was a wholesale butcher. The Claimant stated that her father resided at rue de la Mairie 10 in Wolfisheim until 1940, when his house was confiscated by the Nazis and his family was expelled from their home. The Claimant further stated that their family then fled to Limoges, France, where they stayed until the end of the Second World War before returning to Wolfisheim in 1945. The Claimant indicated that Henri Bauer died on 25 April 1946 in Wolfisheim. In support of her claim, the Claimant submitted her birth certificate which confirms that Henri Bauer was her father, her father’s death certificate, and an extract from their family book, which indicate that Henri Bauer lived in Wolfisheim. In addition, the Claimant submitted a certificate from the local authority in Wolfisheim which states that Henri Bauer’s residence at rue de la Mairie 10 had been seized by the Nazis. The Claimant also submitted her father’s certificate of inheritance, dated 29 June 1946, in which she and her sister, [REDACTED], are named as the heirs of Henri Bauer; and the death certificate of [REDACTED] indicating that the Claimant’s sister died on 7 November 1991. The Claimant indicated that she was born on 13 August 1923 in Strasbourg, France.

Information Available in the Bank's Records

The Bank's records consist of a suspense account card, a suspense account ledger and printouts from the Bank's database. According to these records, the Account Owner was Henri Bauer who resided in Wolfisheim, France. The Bank's records indicate that the Account Owner held a demand deposit account, which was transferred by the Bank on 24 September 1940 to a suspense account for unclaimed assets. The amount in the account on the date of its transfer was 9.90 Swiss Francs. The account was closed on 24 January 1964 to the Bank's profit and loss account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and place of residence, as confirmed in documents provided by the Claimant, match the published name and place of residence of the Account Owner. The CRT notes that the Bank's records do not contain any additional information regarding the Account Owner other than his name and place of residence. The CRT further notes that the name Henri Bauer appears only once on the February 2001 published list of accounts determined by Independent Committee of Eminent Persons ("ICEP List") to be probably or possibly those of victims of Nazi persecution. In support of her claim, the Claimant submitted several documents including her birth certificate which demonstrates that Henri Bauer was her father; her father's death certificate which indicates that Henri Bauer lived in Wolfisheim; and her father's certificate of inheritance which names the Claimant as one of his heirs. These documents provide independent verification that the claimed Account Owner was her father, who resided in the same town recorded in the Bank's records. The CRT notes that there are no other claims to this account. 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, his home was confiscated by the Nazis and he then fled with his family to escape the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including her birth certificate demonstrating that he was her father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 24 January 1964 to the Bank's profit and loss account.

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 Owner was her 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 claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank’s records indicate that the value of the demand deposit account as of 24 September 1940 was 9.90 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 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 26,750.00 Swiss Francs.

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
August 7, 2003