

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Barry Goldmeier
also acting on behalf of Ilse Katz and Lee Goldmeier

in re Accounts of Jakob Baumann

Claim Number: 220775/KG¹

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of Barry Goldmeier (the “Claimant”) to the published accounts of Jakob Baumann (the “Account Owner”) at the Wädenswil and Zurich branches of the [REDACTED] (the “Bank”).²

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 maternal great-uncle, Jakob Baumann, who was born on 25 January 1893 in Adelsberg bei Gemünden/Unterfranken, Germany. According to information provided by the Claimant, Jakob

¹ The Claimant submitted additional claims to the following accounts which the CRT will treat in separate decisions: claim to the account of Hortenzia Levinger, registered under the Claim Number 220773; claim to the account of Julius Lowenthal, registered under the Claim Number 220774; claim to the account of Siegfried Kahn, registered under the Claim Number 220776; claim to the account of Jakob Goldmeier, registered under the Claim Number 220777; claim to the account of Herman Rosenbaum, registered under the Claim Number 220778; claim to the account of Herman Levinger, registered under the Claim Number 220779; claim to the account of Bertha Meyer, registered under the Claim Number 223278; claim to the account of M. Bernheim, registered under the Claim Number 223279; claim to the account of Gustav Kahn, registered under the Claim Number 223363; claim to the account of E.J. Meyer, registered under the Claim Number 223364; claim to the accounts of Martha Lowenthal and Hortenzia Levinger registered under the Claim Number 223366; claim to the account of Hortenzia Lavinger (sic), registered under the Claim Number 223366; claim to the account of Johanna Kahn registered under the Claim Number 223367; claim to the account of Eva Kahn registered under the Claim Number 223368; and claim to the account of David Kahn, registered under the Claim Number 223369.

² The CRT notes that 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”) 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.

Baumann was married to Amalie Levi. The Claimant indicated that his relative, who was Jewish, was a shoemaker residing in Aschaffenburg, Germany. The Claimant stated that his relative and his family, who were Jewish, were living in hiding in Aschaffenburg until September 1942, at which time they were discovered by the Nazis and deported to Theresienstadt. According to the Claimant, after his relative was deported to Theresienstadt, he and his family were never heard from again. The Claimant submitted an extract from the book *Biographisches Handbuch der Juden in Stadt und Altkreis Aschaffenburg* (Biographical Handbook of Jews in the City and District of Aschaffenburg), published by the Historical Society of Aschaffenburg, in which there is a short entry about Jakob Baumann. The Claimant also submitted the marriage license of his parents, Burton Goldmeier and Trudy Kahn, which indicates that his mother was the daughter of Bella Loewenthal.

The Claimant indicated that he was born on 12 April 1946 in Brooklyn, New York, the United States. The Claimant is representing his maternal aunt, Ilse Katz, née Kahn, who was born on 21 February 1921 in Grefenhausen, Germany, and his brother, Lee Goldmeier, who was born on 26 March 1950 in Brooklyn.

Additional Information Available in the Records of Yad Vashem

The CRT notes that, in the electronic records of the Yad Vashem Memorial of Israel available on its website,³ there are Pages of Testimony submitted by the Claimant's aunt, Ilse Katz, for her maternal uncle and aunt, Julius Loewenthal and Rosal Loewenthal, née Baumann. These documents indicate that Julius Loewenthal was the brother of Bella Loewenthal (the Claimant's maternal grandmother and Ilse Katz's mother). The documents further indicate that Rosal Loewenthal, who was born in 1900, was the child of Jacob and Amalie Baumann, and was married to Julius Loewenthal. These records further indicate that both Julius and Rosal Loewenthal perished in the Holocaust. Consequently, these records indicate that Jakob Baumann was the father-in-law of Ilse Katz's uncle, and therefore the father-in-law of the Claimant's maternal great-uncle.

Information Available in the Bank's Records

The Bank's records consist of two printouts from the Bank's database. According to these records, the Account Owner was Jakob Baumann. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held two accounts, the types of which are not indicated. The Bank's records further indicate that the accounts were considered dormant by the Bank, and that one of the accounts, numbered 542, was transferred to the Bank's suspense account on 28 May 1954, on which date the balance was 4.70 Swiss Francs ("SF"), and that the other account, numbered 8447, was transferred to the Bank's suspense account on 13 May 1980 with a balance of SF 11.60. The Bank's records indicate that the accounts remain in the Bank's suspense accounts.

³ See http://www.yadvashem.org/wps/portal/IY_HON_Entrance.

The CRT's Analysis

Identification of the Account Owner

The name of the Claimant's great-uncle's father-in-law matches the published name of the Account Holder. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted an extract from a book published by the Historical Society of Aschaffenburg, containing a short entry about Jakob Baumann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's 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 Jakob Baumann, and indicates that he was born on 25 January 1873 in Adelsberg, that he resided in Aschaffenburg and that he was deported in 1942. This information 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 there are no other claims to these accounts. Taking 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 was deported to Theresienstadt in 1942 and subsequently never heard from again.

As noted above, a person named Jakob Baumann was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the father-in-law of the Claimant's great-uncle. The CRT notes that the Claimant identified information which matches that contained in the Yad Vashem records, which supports the plausibility that he is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were transferred to the Bank's suspense accounts, where they remain.

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 his great-uncle’s father-in-law, 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 two accounts of unknown type. The Bank’s records indicate that the value of one of the accounts as of 28 May 1954 was SF 4.70, and that the value of the other account as of 13 May 1980 was SF 11.60. In accordance with Article 31(1) of the Rules, the amount in the former account is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to accounts of unknown type between 1945 and 1954, and the amount in the latter account is increased by an adjustment of SF 545.00, which reflects standardized bank fees charged to accounts of unknown type between 1945 and 1980. Consequently, the adjusted values of the accounts are SF 154.70 and SF 556.60, respectively.

According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, as is the case for both the accounts at issue, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. Thus, the total 1945 average value of the accounts at issue is SF 7,900.00. 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 98,750.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with the principles of fairness and equity. In this case, the Claimant represents his aunt, Ilse Katz, and his brother, Lee Goldmeier. The CRT notes that the Claimant and the parties he represents are all related to the Account Owner by marriage. The CRT determines that it is fair and equitable that following the general principles of distribution in Article 23(1) of the Rules, the Award be divided in equal shares by representation. Accordingly, the Claimant’s aunt, Ilse Katz, is entitled to one-half of the total award amount, and the Claimant and his brother, Lee Goldmeier, are each entitled to one-quarter of the total award amount.

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 claims 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).

Certification of the Award

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

Claims Resolution Tribunal
12 May 2005