

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED] and [REDACTED]

and Claimant [REDACTED 2]

**in re Accounts of Josef Brandon, Betsie Brandon, Julius Neumetzger, Suzi Neumetzger,
and Elsa Neumetzger**

Claim Numbers: 219650/IG, 221317/IG, 221318/IG, 221319/IG

Award Amount: 377,520.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Josef Brandon and upon the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) to the accounts of Julius Neumetzger, Suzi Neumetzger, and Elsa Neumetzger. This Award is to the accounts of Josef Brandon, Betsie Brandon, Julius Neumetzger, Suzi Neumetzger, and Elsa Neumetzger (the “Account Owners”) at the Basel branch of 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 Claimants

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Josef Brandon as her paternal grandfather, who was born on 24 March 1892 in Amsterdam, the Netherlands, and was married to [REDACTED], née [REDACTED], on 29 September 1920 in Antwerp, Belgium. The couple had a son, [REDACTED], who is Claimant [REDACTED 1]'s father. Claimant [REDACTED 1] stated that Josef Brandon's parents were [REDACTED] and Betjie (or Betsie) Brandon, née [REDACTED]. Claimant [REDACTED 1] further stated that Josef Brandon, who was Jewish, was a merchant who resided at 5, Pont de Meir in Antwerp between 1893 and 10 May 1940. In May 1940, he fled Belgium via Bordeaux, France and Estoril, Portugal to the United States. Josef Brandon died on 5 March 1944 in Denver, Colorado, and [REDACTED] died on 10 June 1952 in Antwerp, Belgium. During a telephone conversation with the CRT on 20 October 2002, Claimant [REDACTED 1]'s mother, [REDACTED], said that one of Josef

Brandon's sisters, Suzi, was married to Julius Neumetzger, and the Neumetzgers were the branch of the family residing in Germany. Claimant [REDACTED 1] also indicated that, according to her father, Josef Brandon's sisters did not have sufficient funds to leave Europe after the rise of the Nazis, and they perished in the Holocaust. In support of her claim, Claimant [REDACTED 1] submitted the birth, marriage, and death certificates of Josef Brandon, his will, [REDACTED]'s death certificate, her father's birth certificate, her own birth certificate, and her sisters' birth certificates. Claimant [REDACTED 1] indicated that she was born on 12 November 1961 in Antwerp. Claimant [REDACTED 1] is representing her two sisters: [REDACTED], who was born on 29 January 1960 in Antwerp; and [REDACTED] [REDACTED], who was born on 17 November 1964, also in Antwerp.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted three Claim Forms: one identifying Account Owner Julius Neumetzger as his father's paternal first cousin, who was born on 7 March 1886 in Germany; one identifying Account Owner Suzi Neumetzger as Julius Neumetzger's wife, who was born on 20 July 1889 in Amsterdam; and one identifying Account Owner Elsa Neumetzger as Julius and Suzi's daughter, who was born on 20 June 1920. Claimant [REDACTED 2] stated that Julius Neumetzger's parents were [REDACTED] and [REDACTED], née [REDACTED], and Julius Neumetzger's paternal grandparents were [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] had two sons: [REDACTED] and Claimant [REDACTED 2]'s paternal grandfather, [REDACTED]. In a telephone conversation with the CRT, Claimant [REDACTED 2] stated that Julius, Suzi, and Elsa Neumetzger were all deported to a concentration camp in Germany, where they perished. Claimant [REDACTED 2] indicated that his name was changed from [REDACTED] to [REDACTED] when he immigrated to the United States. Claimant [REDACTED 2] submitted a family tree, prepared in June 1935, tracing the history of the Neumetzger family, which was Jewish, back to 1682. The family tree contains the names and the birth dates of Claimant [REDACTED 2] (then [REDACTED]) and of Julius, Suzi and Elsa Neumetzger, as well as the date of death of Julius Neumetzger's father, [REDACTED]. Claimant [REDACTED 2] indicated that he was born on 14 July 1926 in Karlsruhe, Germany.

Information Available in the Bank Records

The bank records consist of the following: a form confirming the bank's contractual terms signed by [REDACTED]; a contract with the Bank signed on 24 May 1932 in Basel by Julius Neumetzger, Suzi Neumetzger, née [REDACTED], and Josef Brandon relating to custody account number 36332; and a form directing the Bank where to send correspondence, signed on 31 May 1934 in Basel by Julius Neumetzger, Betsie Brandon, and Elsa Neumetzger. The bank records also contain a document of inheritance issued on 26 August 1931 in Freiburg, Germany, naming Julius Neumetzger as the sole heir of his mother, [REDACTED], née [REDACTED], who was the widow of merchant [REDACTED]; a document dated 21 July 1931 regarding the transfer of the joint property of the late [REDACTED] and [REDACTED] to their son, Julius Neumetzger; a request signed on 31 May 1934 in Basel by Julius Neumetzger and Suzi Neumetzger on behalf of Elsa Neumetzger to open a savings/passbook account numbered 10514 related to custody account number 39800; a form directing where the Bank should send

correspondence, signed on 2 August 1938 in Basel by Julius Neumetzger on behalf of Elsa Neumetzger; and printouts from the Bank's database.

According to these records, the Account Owners were Josef Brandon, who resided at 25, rue des Tanneurs, Antwerp, Belgium; Julius, Suzi, and Elsa Neumetzger, who resided at Bertholdstrasse 52, Freiburg im Breisgau, Germany; and Betsie Brandon. The bank records indicate that Account Owners Julius Neumetzger, Suzi Neumetzger and Josef Brandon held a custody account numbered 36332 and a related demand deposit account under the same number. These two accounts were originally held by [REDACTED], until his death on 19 July 1931 in Freiburg. Account Owners Julius Neumetzger, Suzi Neumetzger and Josef Brandon also held a savings/passbook account numbered 3644. The bank records further indicate that Account Owner Elsa Neumetzger held a custody account numbered 39800 and a savings/passbook account numbered 10514. Account Owner Julius Neumetzger held a savings/passbook account numbered 10513, and Account Owner Betsie Brandon held a savings/passbook account numbered 10512.

In total, the Account Owners held seven accounts: Account Owners Julius and Suzi Neumetzger and Josef Brandon jointly held a custody account, a demand deposit account, and a savings/passbook account; Account Owner Elsa Neumetzger held a custody account and a savings/passbook account; Account Owner Julius Neumetzger held a savings/passbook account; and Account Owner Betsie Brandon held a savings/passbook account. The bank records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. 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 find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the bank records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of Claimant [REDACTED 2] and the claim of Claimant [REDACTED 1] in one proceeding.

Identification of the Account Owners

Claimant [REDACTED 1] has plausibly identified Account Owner Josef Brandon. Her grandfather's name matches the published name of the Account Owner Josef Brandon. Claimant [REDACTED 1] identified her grandfather's city and county of residence, which matches published information about Account Owner Josef Brandon contained in the bank records.

Finally, Claimant [REDACTED 1] submitted samples of her grandfather's signature, which match the signature samples contained in the bank records, as well as birth, marriage, and death certificates of her grandfather. Her great-grandmother's name matches the published name of Account Owner Betsie Brandon. The CRT notes that there is no other information contained in the bank records about Account Owner Betsie Brandon. In support of her identification of her great-grandmother, the Claimant submitted Josef Brandon's birth certificate, identifying his mother as Betjie Brandon, née [REDACTED]. The CRT further notes that there are no other claims to the accounts of Josef or Betsie Brandon.

Claimant [REDACTED 2] has plausibly identified Account Owners Julius, Suzi, and Elsa Neumetzger. The names of his relatives match the published names of Account Owners Julius, Suzi, and Elsa Neumetzger. He identified [REDACTED] and [REDACTED] [REDACTED] as the parents of Account Owner Julius Neumetzger, which matches unpublished information about Account Owner Julius Neumetzger contained in the bank records. In support of his claim, Claimant [REDACTED 2] submitted a detailed family tree, prepared in June 1935, that indicates the names, the dates of birth and death, the places of birth, and the relationships of Account Owners Julius, Suzi, and Elsa Neumetzger.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Suze Neumetzger Brandon, and indicates that her date of birth was 20 July 1889 and place of birth was Amsterdam, the Netherlands, which matches the information about the Account Owner Suzi (Susanne) Neumetzger provided by Claimant [REDACTED 2]. The database also includes a person named Elsa Babette Neumetzger, and indicates that her date of birth was 20 June 1920 and a place of birth was Freiburg, Germany, which matches the information about the Account Owner Elsa Neumetzger provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to the accounts of Julius, Suzi or Elsa Neumetzger.

Therefore, Account Owners Josef Brandon and Julius Neumetzger have been plausibly identified by unpublished information which matches information in the bank records, and Account Owners Suzi and Elsa Neumetzger have been plausibly identified by independent information from the Yad Vashem database, which matches information about them provided by the Claimants. Account Owner Betsie Brandon has been plausibly identified by the birth certificate of Joseph Brandon, which identifies her as his mother.

Status of the Account Owners as Victims of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that Account Owner Josef Brandon was a victim of Nazi persecution. Claimant [REDACTED 1] stated that Account Owner Josef Brandon was Jewish and fled from Belgium to the United States in 1940, via France and Portugal.

Claimant [REDACTED 2] has made a plausible showing that Account Owners Julius, Suzi, and Elsa Neumetzger were victims of Nazi persecution. Claimant [REDACTED 2] stated that

Account Owners Julius, Suzi, and Elsa Neumetzger were Jewish, resided in Germany, and were deported to a concentration camp, where they perished.

Moreover, the database mentioned above containing the names of victims of Nazi persecution includes a person named Suze Neumetzger Brandon, and indicates that her date of birth was 20 July 1889 and place of birth was Amsterdam, the Netherlands. The same database also includes a person named Elsa Babette Neumetzger, and indicates that her date of birth was 20 June 1920 and a place of birth was Freiburg, Germany.

The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Account Owner Josef Brandon by submitting documents demonstrating that he was her grandfather. Claimant [REDACTED 1] has also plausibly demonstrated that she is related to Account Owner Suzi Neumetzger by stating that Suzi Neumetzger was Account Owner Josef Brandon's sister, and hence was Claimant [REDACTED 1]'s great-aunt. Claimant [REDACTED 1] also identified Account Owner Elsa Neumetzger as the daughter of Suzi Neumetzger, and hence the cousin of the Claimant's father. The CRT also notes that Claimant [REDACTED 1] is related to Account Owner Betsie Brandon, who was plausibly the mother of Account Owner Josef Brandon and Suzi Neumetzger, and hence the great-grand mother of Claimant [REDACTED 1].

Claimant [REDACTED 2] has plausibly demonstrated that he is related to Account Owners Julius, Suzi and Elsa Neumetzger by submitting a family tree prepared in 1935, demonstrating that Julius Neumetzger was his father's paternal cousin, that Suzi Neumetzger was Julius' spouse, and that Elsa Neumetzger, their child, was Claimant [REDACTED 2]'s second cousin.

The Issue of Who Received the Proceeds

Given the fact that Account Owners Julius, Suzi, and Elsa Neumetzger died in the Holocaust, Account Owner Josef Brandon died in Colorado in 1944, before the end of the War, when wartime restrictions of funds transfers would have prevented his access to his accounts in Switzerland, and given the application of Presumptions (h) and (j) as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Josef Brandon was her grandfather, that Account Owner Betsie Brandon was her great-grandmother, that Account Owner Suzi Neumetzger was her father's paternal aunt, and that Account Owner Elsa Neumetzger was her father's cousin, and Claimant [REDACTED 2] has plausibly demonstrated that Account Owner Julius Neumetzger was his father's cousin, and those relationships justify an

Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owners held seven total accounts. Account Owners Julius and Suzi Neumetzger and Josef Brandon jointly held one custody account, one demand deposit account, and one savings/ passbook account. Account Owner Elsa Neumetzger held one custody account and one savings/ passbook account. Account Owners Julius Neumetzger and Betsie Brandon also each held one savings/ passbook 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs, the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a savings/passbook account was 830.00 Swiss Francs. Thus, the total for two custody accounts, one demand deposit account, and four savings/passbook accounts is 31,460.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 377,520.00 Swiss Francs.

Division of the Award

With regard to the joint accounts of Julius Neumetzger, Suzi Neumetzger, and Josef Brandon, according to Article 25 of the Rules, if an account is a joint account and claimants related to each of the Account Owners have submitted claims, it shall be presumed that each Account Owner was the owner of an equal share of the Account. Therefore, each of the three Account Owners will be presumed to have held one-third of each joint account.

With regard to the accounts of Account Owners Betsie Brandon and Josef Brandon, Article 23(c) of the Rules states that an award shall be in favor of any descendants of the Account Owner who have submitted a claim. As indicated above, Claimant [REDACTED 1] is a direct descendant of Account Owners Betsie Brandon and Josef Brandon, and is therefore entitled to receive the award of their accounts.

With regard to the accounts of Account Owner Suzi Neumetzger, Article 23(d) of the Rules states that where no direct descendants of the account owner have submitted a claim, an award shall be in favor of descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Claimant [REDACTED 1] is therefore entitled to an award of the accounts of Account Owner Suzi Neumetzger, whose parents were Betsie and [REDACTED] Brandon, Claimant [REDACTED 1]'s great-grandparents. Claimant [REDACTED 2], who is not a descendant of Account Owner Suzi Neumetzger or her parents, is not entitled to share in the award of her accounts.

With regard to the accounts of Account Owner Elsa Neumetzger, Article 23(e) of the Rules states that where no descendants of the Account Owner or the Account Owner's parents have submitted a claim, the award shall be in favor of descendants of the Account Owner's

grandparents who have submitted a claim. Claimant [REDACTED 1] is a descendant of Account Owner Elsa Neumetzger's grandparents, Betsie and [REDACTED] Brandon, who were Claimant [REDACTED 1]'s great-grandparents. Therefore, Claimant [REDACTED 1] is entitled to the award to her accounts. Claimant [REDACTED 2], who is not a descendant of Account Owner Elsa Neumetzger's parents or grandparents, is not entitled to share in the award to these accounts.

Thus, Claimant [REDACTED 1] is entitled to:

- Account of Betsie Brandon: One savings/passbook account numbered 10512, with a value of 9,960.00 Swiss Francs.
- Accounts of Josef Brandon and Suzi Neumetzger: One-third each of the custody account numbered 36332, with a value of 156,000.00 Swiss Francs, one-third each of the demand deposit account numbered 36332, with a value of 25,680.00 Swiss Francs, and one-third each of the savings/passbook account numbered 3644, with a value of 9,960.00 Swiss Francs. Account Owners Josef Brandon's and Suzi Neumetzger's shares in these three accounts is 127,760.00 Swiss Francs.
- Accounts of Elsa Neumetzger: One custody account numbered 39800, with a value of 156,000.00 Swiss Francs, and one savings/passbook account numbered 10514, with a value of 9,960.00 Swiss Francs.

For the accounts indicated above, Claimant [REDACTED 1] is entitled to receive a total award amount of 303,680.00 Swiss Francs. Claimant [REDACTED 1] is representing her sisters [REDACTED] and [REDACTED] in these proceedings. According to Article 23 of the Rules, each of her sisters is entitled to receive one-third of any payment made to Claimant [REDACTED 1].

With regard to the accounts of Account Owner Julius Neumetzger, Article 23(e) of the Rules states that where no descendants of the Account Owner or the Account Owner's parents have submitted a claim, the award shall be in favor of descendants of the Account Owner's grandparents who have submitted a claim. Claimant [REDACTED 2] is a descendant of Account Owner Julius Neumetzger's grandparents, [REDACTED] and [REDACTED], who were Claimant [REDACTED 2]'s great-grandparents.

Thus, Claimant [REDACTED 2] is entitled to:

- Accounts of Julius Neumetzger: One-third of the custody account numbered 36332, with a value of 156,000.00 Swiss Francs, one-third of the demand deposit account numbered 36332, with a value of 25,680.00 Swiss Francs, one-third of the savings/passbook account numbered 3644, with a value of 9,960.00 Swiss Francs, and the savings/passbook account numbered 10513, with a value of 9,960.00 Swiss Francs. Account Owner Julius Neumetzger's share of these four accounts is 73,840.00 Swiss Francs.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
May 15, 2003