

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Accounts of Jakob Goldmeier

Claim Number: 215348/IG

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Jakob Goldmeier (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 his maternal grandfather, Jakob (Jeidel) Goldmeier, who was born on 30 July 1874 in Kleinlangheim, Germany, and was married to [REDACTED] in Frankfurt am Main, Germany. The Claimant stated that his grandfather, who was Jewish, was a wine merchant and had his place of business at Neue Rothofstrasse 23, Frankfurt am Main. The Claimant indicated that his grandfather resided at 3 Hölderlinstrasse and 22 Freiherr von Steinstrasse in Frankfurt am Main from approximately 1910 until 1939. The Claimant further stated that in 1939 his grandfather, together with his wife, tried to flee Germany to England but were detained in the Netherlands. The Claimant indicated that his grandfather was deported to Auschwitz with his wife, where they both perished on 12 February 1943. The information provided by the Claimant indicates that Jakob Goldmeier and [REDACTED] had two children: [REDACTED], who was born in 1910 and died in 1989, and [REDACTED], who was born in 1916 and died in 1985. [REDACTED] married [REDACTED], with whom he had one daughter, [REDACTED]; and [REDACTED] married [REDACTED], with whom she had four children: [REDACTED] (the Claimant), [REDACTED], [REDACTED], and [REDACTED].

In support of his claim, the Claimant submitted copies of numerous documents, including his and his mother's birth certificates, showing that the Claimant's maternal grandfather was Jeidel (Jakob) Goldmeier, who was Jewish. The Claimant also provided copies of his parent's wills.

Information Available in the Bank's Records

The Bank's records consist of an account opening card and a list of Bank clients from Germany. According to these records, the Account Owner was Jakob Goldmeier, who resided in Frankfurt am Main, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered 7999, and a demand deposit account. According to these records, the custody account was opened on 9 June 1930, and the demand deposit account was opened on 16 June 1930. The custody account was closed on 9 November 1935, and the demand deposit account was closed on 20 November 1933. The amount in the accounts on the date of their closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandfather's name matches the published name of the Account Owner. The Claimant identified his grandfather's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his and his mother's birth certificates, showing that the Claimant's maternal grandfather was Jeidel (Jakob) Goldmeier. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jakob Goldmeier, and indicates that his date of birth was 30 July 1874 and place of birth was Kleinlangheim, which 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 also notes that one other claim to this account was disconfirmed because the claimed account owner resided in a different city from the Account Owner in this case. Taking all 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 and that he and his wife tried to flee Germany but were detained and deported to Auschwitz, where they were murdered. As noted above, a person named Jakob Goldmeier appears in the CRT database of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner is his grandfather. The Claimant is representing his aunt, [REDACTED], née [REDACTED], widow of the Account Owner's son, [REDACTED]; and his siblings: [REDACTED], [REDACTED] and [REDACTED], née [REDACTED].

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; the Account Owner's accounts were closed in November 1933 and he remained in Germany until 1939; he would not have been able to repatriate his accounts to Germany when they were closed without their confiscation; the Account Owner and his wife were captured in the Netherlands and deported to Auschwitz where they perished in 1943; there is no record of payment of the Account Owner's accounts to him; the Account Owner's heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the Bank's concern regarding double liability; and the given application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, 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 accounts.

Amount of the Award

In this case, the Account Owner held a custody account and a demand deposit 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs and

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

the average amount of demand deposit account was 2,140.00 Swiss Francs, producing a total in this case of 15,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse and no descendants of the Account Owner have submitted a claim, the spouse shall receive the entire account. According to Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased, that child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner for the purposes of this Article. In this case, the Claimant is representing his aunt, [REDACTED], née [REDACTED], widow of the Account Owner's son, [REDACTED]; and his siblings: [REDACTED], [REDACTED] and [REDACTED], née [REDACTED]. Accordingly, [REDACTED] takes [REDACTED]'s share and is entitled to the one half of the total award amount; and [REDACTED], [REDACTED], [REDACTED], and the Claimant take [REDACTED], née [REDACTED]'s share and are each entitled to one-eighth 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 claim 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
September 30, 2003