

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Gustav Maier

Claim Number: 708561/AZ¹

Award Amount: 28,253.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Gustav Maier. This Award is to one of three published accounts of Gustav Maier (the “Account Owner”) at 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 an Initial Questionnaire identifying the Account Owner as her father, Gustav Maier, who was born on 15 October 1882. The Claimant indicated that her father, who was Jewish, lived in Muellheim (Baden), Germany until 1940, when he fled to La Paz, Bolivia. Finally, the Claimant indicated that her father died in 1955 in Buenos Aires, Argentina.

The Claimant indicated that she was born on 6 November 1922.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0008045, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 708561.

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 Gustav Maier appears three times and that the names Gustav Mayer-Alberti and Gustav Meyer also appear. Upon careful review, the CRT has determined that the Claimant did not identify Gustav Maier [Schramberg, Germany], Gustav Mayer-Alberti, or Gustav Meyer as her relative. The Claimant’s claim to the remaining published account of Gustav Maier will be treated in a separate determination.

Information Available in the Bank's Records

The Bank's records consist of internal correspondence of the Bank and a list of savings booklets provided to the Bank by account owners for payment to the German *Reichsbank*. The records that are dated bear dates between 6 September 1933 and 22 August 1935. According to these records, the Account Owner was Gustav Maier, who resided in Rheinfelden, which is on the border of Germany and Switzerland and which is located in both countries. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 13609, which held a balance of SF 2,260.30. The Bank's records further indicate that the Account Owner submitted his passbook to the District Savings Bank of Rheinfelden in Germany (*Bezirkssparkasse Rheinfelden*), and the balance of the account was transferred to Germany pursuant to a clearing agreement between Germany and Switzerland. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Claimant's father's city of residence is approximately 30 kilometers from the Account Owner's unpublished city of residence.

The CRT notes that the Claimant filed her Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gustav Maier, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a city of residence that is over 300 kilometers distant from the Account Owner's city of residence. 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 and that he lived in Nazi Germany until 1940, when he fled to Bolivia.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's father. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant filed her Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Initial Questionnaire. 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 transferred to the *Bezirkssparkasse Rheinfelden* in Germany, pursuant to an agreement between Germany and Switzerland.

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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 savings/passbook account. The Bank's records indicate that the value of the account as of an unknown date between 1933 and 1935 was SF 2,260.30. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 28,253.75.

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
27 February 2007