

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of August Meier

Claim Number: 214350/AH¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the account of August Meier (the “Account Owner”) at the [REDACTED] 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, August Meier, who was born on 8 August 1878, in Monchengladbach, Germany, and was the brother of the Claimant’s father [REDACTED]. The Claimant stated that her uncle, who was Jewish, was a clothing salesman, lived at Friedrichstrasse in Monchengladbach, and that he never married. The Claimant further stated that her uncle died in Riga, Russia on 11 July 1944. The Claimant submitted a statement indicating that she was born on 8 June 1926, in Monchengladbach to [REDACTED] and [REDACTED], and that at the age of ten, following her father’s death in 1937, she was sent to an orphanage in Frankfurt, Germany. The Claimant further indicated that in 1939, she left for France and then, in 1941, was sent to the United States with a *Kindertransport*. The Claimant stated that she completed the Claim Forms to the best of her knowledge, and that she did not think her mother owned any accounts, but she is certain that her paternal uncle and her grandfather owned insurance policies and accounts in Swiss banks. The Claimant further stated that her grandfather had relatives who lived in Zurich, Switzerland. In her Claim Form number 214351 (see footnote 1 below), the Claimant indicated that her

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the claim number 214351. The CRT will treat the claim to this account in a separate decision.

grandparents perished in Treblinka. The Claimant stated that she has no surviving relatives. The Claimant indicated that she was born on 8 June 1926, in Monchengladbach, Germany.

Information Available in the Bank Records

The bank records consist of an audit report created by the audit firm investigating this account. According to these records, the Account Owner was August Meier. The bank records indicate that the Account Owner held an account of an unknown type, which is indicated to have been opened in 1926, at the [REDACTED] branch of the Bank, and was transferred on an unknown date to a suspense account. The value of the account in 1960 was 5.00 Swiss Francs.

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") concluded that the account remains suspended. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's first name matches the published name of the Account Owner. The CRT notes that the Claimant's uncle's last name and the Account Owner's last name are spelled differently. However, the CRT concludes that the name "Meier" was often spelled with "y" since the pronunciation of both versions is identical, and therefore the family name of the Account Owner matches that of the Claimant's uncle. The CRT notes that the Claimant was a child during the Second World War and lost touch with her family at the age of ten, when she was sent to a distant orphanage and then to France and the United States, which explains her lack of information regarding her uncle. Finally, the CRT notes that a database taken from the German Bundesarchives includes a person named August Meyer, and indicates that his date of birth was 8 August 1878, that his place of birth was Monchengladbach, Germany, that he worked as a trader, and that he perished at the age of 66. This information, documented by the German authorities, matches and adds to all the details about the Account Owner provided by the Claimant, and supports the CRT's conclusion that the Account Owner has been accurately identified by the Claimant.

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 died during the Second World War. The Claimant also indicated that her grandparents perished in Treblinka, and that she has no surviving relatives.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes the name and details of August Meyer, as specified above. This information matches and adds to 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 and the German Bundesarchives.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a family tree and information about her uncle and her family, which was supported by the documents of the German Bundesarchives. The Claimant stated that she has no surviving relatives, and there is no information to indicate that her uncle has any other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred at an unknown date to a suspense account and remains open today.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, 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 account.

Amount of the Award

The bank records indicate that the value of the account as of 1960 was 5.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 1,040.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1960. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 1,045.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of an unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 65% of the total award amount is 30,810.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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
October 3, 2002