

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Frank Vacek
represented by Milan Frank Vacek

in re Account of Serafina Meier

Claim Number: 223655/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Frank Vacek (the “Claimant”) to the account of Serafina Meier (the “Account Owner”) at the Zurich- Wiedikon branch of the [REDACTED] (the “Bank”).

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 aunt, Anna Serafina Meyer, née Havrankova, who was born on 11 November 1902 in Brno, Czechoslovakia. The Claimant stated that his aunt, who was Jewish and homosexual, lived at Trida Rude Armady 302/159 and at Nad Sarkou 126 in Prague, Czechoslovakia. According to the Claimant, his aunt married a man whose last name was Meyer in Vienna, Austria, and on 15 May 1945, she married Robert Porter in New York, the United States of America. The Claimant indicated that his aunt never had any children. The Claimant stated that approximately one month prior to the Nazi occupation of Czechoslovakia, he was personally present at the opening of his aunt’s and his mother’s, Alzbeta Vackova’s, accounts at the “Bank Lausanne” or the “Bank Suisse” in Lausanne at Place St. François. The Claimant indicated that he remembers the password to a numbered account. The Claimant further stated that his aunt died in Jackson, Mississippi, United States of America, on 6 July 1964. In support of his claim, the Claimant provided a copy of an official document issued by the U.S. Immigration and Naturalization Service, showing that the Claimant’s aunt’s emigrated to the United States of America in 1940.

The Claimant submitted a copy of a document and his mother’s death certificate from 1967, indicating that he is his aunt’s and mother’s sole heir. The Claimant was born 21 June 1924.

Information Available in the Bank Records

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Serafina Meier, who held an account of an unknown type at the Zurich-Wiedikon branch of the Bank. These documents show that the amount in the account was 11.90 Swiss Francs as of 17 August 1981, when the account was transferred to a suspense account. The account remains open and dormant. 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") 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. His aunt's middle name and last name essentially match the unpublished name of the Account Owner. Furthermore, the CRT notes that the Claimant filed an ATAG claim in 1998 asserting his entitlement to a Swiss bank account owned by Anna (Anne) or Seraphina (Seraphine) Meyer. This strongly supports the credibility of the information provided by the Claimant and the validity of his claim.

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 she lived in Czechoslovakia during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly shown that he is related to the Account Owner by submitting documents, such as a letter from a notary public, demonstrating that his mother was the Account Owner's sister and that he is thus the Account Owner's nephew and only heir.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

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 his maternal aunt, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the unknown type of account as of 17 August 1981 was 11.90 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 565.00 Swiss Francs, which reflects standardized bank fees charged to this account between 1945 and 1981. Consequently, the adjusted balance of the account at issue is 576.90 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account 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 35% of the Certified Award, and the claimant may receive a second payment of up to 65% 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 35% of the total award amount is 16,590.00 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 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