

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Eva Mayro

in re Account of M. Netheim

Claim Number: 501643/HB

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Eva Mayro, née Netheim, (the “Claimant”) to the published account of M. Netheim (the “Account Owner”) at the Arosa 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 her father, Max Netheim, who was born on 5 April 1889 in Höxter, Germany, and was married to Brunhilde Netheim, née Kaiser, in Germany. According to the Claimant, her father, who was Jewish, was a lawyer and notary in Osnabrück, Germany, and resided at Albertstrasse 18 in Osnabrück, until 1938. The Claimant asserted that her father was interned in a refugee camp in Rotterdam, the Netherlands from 1938 until 1940, when he emigrated to the United States. The Claimant indicated that her father resided from 1940 to 1941 in Flushing, Long Island, New York, the United States. Finally, the Claimant indicated that her father died in 1949 in New Jersey, the United States, and that her mother died on 10 February 1994, in New York.

The Claimant submitted copies of documents in support of her claim, including a copy of her father’s letterhead, identifying him as *Dr. Jur.* (doctor of law) Netheim, and indicating that he was an attorney, and that his office was located at Alberstrasse 18 in Osnabrück; and a postcard from Max Netheim to his relatives, dated 11 December 1939, indicating that he was in the process of obtaining a visa. The Claimant indicated that she was born on 16 July 1927 in Osnabrück.

Information Available in the Bank’s Records

The Bank’s records consist of a letter from the Bank's branch in Arosa to the Bank's headquarters and printouts from databases prepared by 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”).

According to these records, the Account Owner was Dr. M. Netheim, who resided at Herderstrasse 31, in Osnabrück, Germany, and, as of 1940, at 36-19, 167 Street, Flushing, New York, the United States. The Bank’s records indicate that the Account Owner held a custody account, numbered 20223, which was opened in 1931. These records also indicate that the last contact with the Account Owner took place in 1940. The auditors who carried out the ICEP Investigation reported that the Bank considered the custody account for inclusion in the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a federal decree of 1962 (the "1962 Survey"). The Bank’s records indicate that the custody account contained securities worth 40.00 Pounds Sterling (“£”) in 1962, and that the account had outstanding fees of 180.00 Swiss Francs (“SF”) since 1949. According to the Bank's records, the Bank did not register the account in the 1962 Survey because of the insignificant account balance. The Bank’s records indicate that the Bank sent a letter to the Account Owner to his address in New York in order to get instructions regarding his account, but that the letter was returned to the Bank with a remark “unknown.” The Bank's records indicate that the account was closed by fees on 10 January 1973.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s father’s first initial and last name match the published first initial and last name of the Account Owner. The Claimant’s father’s city and country of residence match the published city and country of residence of the Account Owner. The Claimant also identified the Account Owner’s doctor title and his city of residence in the United States, which matches unpublished information about the Account Owner contained in the Bank’s records. The CRT notes that the Claimant indicated that her father had a different street address than the address contained in the Bank's records, but notes both that the two addresses are located only two kilometers apart in the same city, and that it is plausible that the address identified by the Claimant was her father's work address, while the Bank's records refer to the Account Owner's home address. Accordingly, the CRT concludes that this discrepancy does not undermine the plausibility of the Claimant's identification of the Account Owner.

In support of her claim, the Claimant submitted copies of documents, including of her father’s letterhead, which indicates that *Dr. jur.* Netheim was an attorney, and that his office was located in Osnabrück, providing independent verification that the person who is claimed to be the Account Owner had the same family name and title, and lived in the same city recorded in the Bank's records as the family name, title, and city of residence of the Account Owner. The CRT notes that there are no other claims to this account.

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, that he lived in Nazi Germany until 1938, that he was held in a refugee camp in Holland until 1940, and that he subsequently immigrated to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the Account Owner contained in the Bank's records. The CRT further 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 Claim Form. There is no information to indicate that the Account Owner has other surviving heirs who have filed a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed by fees on 10 January 1973.

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 Governing the Claims Resolution Process (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 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 a custody account. The Bank's records indicate that the account contained securities worth £ 40.00 in 1962, which is equivalent to SF 485.60.¹ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 900.00, which reflects standardized bank fees charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is SF 1,385.60. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 162,500.00.

¹ The CRT uses official exchange rates when making currency conversions.

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
7 June 2006