

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Gaston Scheyen**

Claim Number: 501503/AE

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], néé [REDACTED], (the “Claimant”) to the published accounts of Gaston Scheyen (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Basel 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 father-in-law, Gaston Scheyen, who was born on 16 November 1882 in Obernai, France, and was married to [REDACTED], née [REDACTED], on 21 August 1912 in Bienne, Switzerland. The Claimant identified the Power of Attorney Holder as her father-in-law’s brother-in-law, [REDACTED], who was married to her father-in-law’s sister, [REDACTED], née [REDACTED]. The Claimant stated that her father-in-law, who was Jewish, resided at 1 rue de la Course in Strasbourg, France, until 1912, at 8 Quai Desaix in Strasbourg from 1912 to 1940, and in Clermont Ferrand, France, from 1940 to 1943. The Claimant indicated that Gaston and [REDACTED] Scheyen had one child, [REDACTED], the Claimant’s late husband, who was born on 21 February 1914 in Strasbourg. The Claimant stated that her father-in-law was affiliated with *A. Scheyen Fils*, a company that manufactured industrial equipment, including ovens, for bakeries. The Claimant further indicated that her father-in-law was arrested by the Nazis on 7 October 1943 and deported to Auschwitz, where he perished.

In support of her claim, the Claimant submitted documents, including her marriage certificate, and her late husband’s birth and death certificates, identifying her late husband as [REDACTED], whose parents were Gaston Scheyen and [REDACTED]; a certificate issued by the mayor’s office in Clermont Ferrand, documenting that [REDACTED], who was born in Strasbourg, was the son of Gaston Scheyen; and an official inheritance document from the

mayor's office in Strasbourg, identifying her late husband as [REDACTED], and naming the Claimant as the sole heir to her late husband's estate. The Claimant indicated that she was born on 4 June 1929 in Strasbourg.

### **Information Available in the Bank's Records**

The Bank's records consist of a list of account owners from the Alsace-Lorraine region of France and a printout from the Bank's database. According to these records, the Account Owner was Gaston Scheyen and the Power of Attorney Holder was Dr. [REDACTED]. The Bank's records indicate that the Account Owner resided at 8 Quai Desaix in Strasbourg, France. The Bank's records further indicate that the Account Owner held one custody account, numbered 37243, and one demand deposit account, both of which were opened on 2 September 1931. The records do not show the value of either account.

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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their 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 and the Power of Attorney Holder. The Claimant's father-in-law's name matches the published name of the Account Owner. The Claimant's father-in-law's brother-in-law's name matches the published name of the Power of Attorney Holder. The Claimant identified the Account Owner's city and country of residence, which matches the Account Owner's published city and country of residence. Moreover, the Claimant identified her father-in-law's street address in Strasbourg as 8 Quai Desaix, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her marriage certificate, and her late husband's birth and death certificates, identifying her late husband as [REDACTED], whose parents were Gaston Scheyen and [REDACTED], and a certificate issued by the mayor's office in Clermont Ferrand, documenting that [REDACTED], who was born in Strasbourg, was the son of Gaston Scheyen. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gaston Scheyen, and indicates that his date of birth was 16 November 1882, 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 further notes that there are no other claims to these accounts.

#### 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 was arrested by the Nazis on 7 October 1943 and was deported to Auschwitz, where he perished.

As noted above, a person named Gaston Scheyen was included in the CRT's database of victims.

#### 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 and documents, demonstrating that the Account Owner was the Claimant's father-in-law. These documents include the Claimant's marriage certificate, and her late husband's birth and death certificates, identifying her late husband as [REDACTED], whose parents were Gaston Scheyen and [REDACTED].

#### The Issue of Who Received the Proceeds

Given that the Account Owner perished in Auschwitz; that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the accounts; that the Account Owner and his heirs would not have been able to obtain information about the accounts 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 banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the accounts were not paid to the Account Owner, the Power of Attorney Holder, or their 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 claims are 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-in-law, and that relationship justifies an award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one 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 current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00, producing a total 1945 average value of SF 15,140.00. The current value of these amounts is calculated by multiplying them by a factor of 12.5 in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 189,250.00.

### **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  
31 March 2005