

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED]
and
to the Estate of Claimant [REDACTED 2]¹
also acting on behalf of [REDACTED] and [REDACTED]

in re Account of Erik Löw-Beer

Claim Numbers: 204618/AY; 210855/AY;² and 601458/AY

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and Dr. [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].³ This Award is to the account of Erik Löw-Beer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimant [REDACTED 2] has in this case, the names of the claimants, any relatives of the claimants other than the account owner and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owner as Claimant [REDACTED 1]’s brother and Claimant [REDACTED 2]’s cousin, Erik Löw-Beer, who was born to [REDACTED] and [REDACTED], née [REDACTED], on 23 January 1910 in Brno, Czechoslovakia, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that her brother studied agriculture in Switzerland and later joined his father’s business. Claimant [REDACTED 2] indicated that his father and Erik Löw-Beer’s

¹ [REDACTED 2] passed away on 22 November 2001.

² [REDACTED 2] submitted a claim, numbered B-00378, on 12 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned claim number 601458.

³ The CRT will treat the claims to these accounts in separate decisions.

father, together with a third brother of theirs, jointly owned a textile factory named *Aaron & Jacob Löw-Beer Söhne* located in Brno. Claimant [REDACTED 1] stated that her brother lived with his parents in Brno, after which he fled to Paris, France, and later to England in approximately 1940. The Claimants indicated that Erik Löw-Beer survived the Holocaust and died on 19 November 1995 in France. In support of their claims, the Claimants submitted a letter sent to Erik Löw-Beer at an address in England regarding the search in Austria for family assets including the assets of [REDACTED], who is Claimant [REDACTED 2]'s father. Claimant [REDACTED 2] submitted his father's certificate of naturalization, indicating that [REDACTED] was the son of [REDACTED] and [REDACTED]; and Claimant [REDACTED 1] submitted copies of the Account Owner's father's ([REDACTED]) death certificate, indicating that he was the son of [REDACTED] and [REDACTED] and the father of Eric Löw-Beer. Claimant [REDACTED 1] also submitted [REDACTED]'s will, indicating that Claimant [REDACTED 1] and her brother, Eric Löw-Beer, were his heirs and identifying the Account Owner as Claimant [REDACTED 1]'s brother.

Claimant [REDACTED 1] stated that she was born on 20 November 1919 in Brno, and that she is representing Erik Löw-Beer's widow, [REDACTED], née [REDACTED], who was born on 3 September 1918. Claimant [REDACTED 2] stated that he was born on 25 February 1932 in Brno, and that he is representing his siblings, [REDACTED], née [REDACTED], who was born 14 March 1922, and [REDACTED], who was born on 27 December 1923.

Information Available in the Bank's Records

The Bank's records consist of an extract of a suspense account ledger and printouts from the Bank's database. According to these records, the Account Owner was Erik Löw-Beer, who had a place of residence in Switzerland. The Bank's records indicate that the Account Owner held a savings account numbered 35897, which was transferred to a suspense account for dormant assets. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that the transfer took place on 26 November 1976. The amount in the account on the date of its transfer was 10.70 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relative's name matches the published name of the Account Owner. Claimant [REDACTED 1] stated that her brother resided for a certain period in Switzerland, which matches unpublished information about the Account Owner contained in the Bank's records. In support of their claims, Claimant [REDACTED 2] submitted his father's certificate of naturalization, indicating that [REDACTED] was the son of [REDACTED] and [REDACTED]; and Claimant [REDACTED 1] submitted copies of the Account Owner's father, [REDACTED]'s, death certificate, indicating that he was the father of Eric Löw-Ber; and [REDACTED]'s will, indicating Claimant [REDACTED 1] and her brother, Eric Löw-Ber, were his heirs and identifying the Account Owner as Claimant [REDACTED 1]'s brother. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that Claimant [REDACTED 1] has plausibly identified the Account Owner as her brother.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he fled Nazi-controlled Czechoslovakia during the Second World War.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her brother. These documents include the Account Owner's father, [REDACTED]'s, death certificate, indicating that he was the father of Eric Löw-Ber; and [REDACTED]'s will, identifying Eric Löw-Ber as Claimant [REDACTED 1]'s brother.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account for dormant assets, where it remains open.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Account Owner's spouse, [REDACTED]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, it has been plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s brother and the husband of represented party [REDACTED], and these relationships justify an Award. Finally, 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 one savings account. According to the Bank's records and the auditors who carried out the ICEP Investigation, the value of the savings account was 10.70 Swiss Francs as of 26 November 1976. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 10,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(a) of the Rules, if the Account Owner's spouse and no descendants of the Account Owner have submitted a claim, the spouse shall receive the entire award amount. In this case, Claimant [REDACTED 1] is representing her sister-in-law, [REDACTED], who is the Account Owner's widow. Therefore, [REDACTED] has a better entitlement to the award than Claimant [REDACTED 1] and the Estate of Claimant [REDACTED 2]. Consequently, [REDACTED] is entitled to the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
8 April 2004