

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Marion Rosenblum

in re Account of E. & J. Mayer

Claim Number: 202466/HB

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Marion Rosenblum, née Linz, (the “Claimant”) to the accounts of Eugene Manfred Linz and Joseph Mayer.¹ This Award is to the published accounts of E. Mayer (“Account Owner E. Mayer”) and J. Mayer (“Account Owner J. Mayer”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).²

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 an Initial Questionnaire (“IQ”) identifying Account Owner J. Mayer as her maternal uncle, Joseph Mayer, who was born in 1902. The Claimant indicated that her uncle, who was Jewish, lived in Darmstadt, Germany, and that he perished in Auschwitz. The Claimant explained that she lived with her parents in Frankfurt am Main, Germany, until January 1939, when she was sent on a *Kindertransport* to Brussels, Belgium. The Claimant stated that she then fled to the Dominican Republic via France, and that she emigrated to the United States after the end of the Second World War.

In a telephone conversation with the CRT, the Claimant stated that her uncle Joseph (Josef) was married to Margaret (Greta) Mayer in the early 1930s and that they had no children. The Claimant stated that she did not know whether her uncle had lived anywhere other than Darmstadt. In addition, the Claimant identified Account Owner E. Mayer as either her maternal

¹ The CRT did not locate an account belonging to Eugene Manfred Linz in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

² The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the names E. Mayer and J. Mayer are published as separate account owners. Upon careful determination, the CRT has determined that E. Mayer and J. Mayer jointly held a single account.

grandfather's brother Emil Mayer or half-brother Erich Mayer (Joseph Mayer's paternal uncles), who were born in Freiburg, Germany, in 1867 and 1897, respectively. According to the Claimant, her great-uncle Emil died in 1940; her great-uncle Erich, who had a child born in June 1937 in Cologne, Germany, fled Germany to England between 1937 and 1939 and died in London in 1964.

During this conversation, the Claimant stated that her maternal grandfather was Leo Mayer, who was born in 1870 in Freiburg and who was married first to Lina Mayer, née Rau, and then to Betty Mayer, and who died in Bad Homburg, Germany. Among her grandfather's remaining siblings, the Claimant also mentioned Mina Löb, née Mayer, who was born in Freiburg in 1868 and who perished in 1942 in Gurs, France, and another half-brother Henry Mayer, who was born in Freiburg in 1887 and died in 1955 in New York, the United States. Finally, the Claimant stated that Mina Löb's children, Max Löb, who was born in 1894, and Herta Löb, perished during the Holocaust.

The Claimant indicated that she was born on 12 November 1934 in Frankfurt am Main.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were E. and J. Mayer, who resided in Frankfurt am Main. The Bank's record indicates that the Account Owners held a demand deposit account, opened in May 1937. The Bank's record indicates that the account was closed on 5 August 1937. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant's relatives' initials, surnames, and countries of residence match the published initials, surnames, and country of residence of the Account Owners. The CRT notes that the Claimant's uncle's city of residence is approximately 25 kilometers from the Account Owners' unpublished city of residence and that the Claimant's uncle had close relatives living in that city.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Josef Mayer and indicates that his date of birth was 1902 and place of birth was Bad Homburg, that his parents were Leo Mayer (who was born in 1870 in Freiburg and who died in Bad Homburg) and Lina Mayer, that he resided in Bad Homburg, and that he disappeared during the War, which matches the information about Account Owner J. Mayer provided by the Claimant. The CRT notes that Bad Homburg is only approximately 10 kilometers from Frankfurt am Main. The CRT further notes that the entry pertaining to Josef Mayer consists of testimony submitted by Henry Mayer's son, Julius Mayer, the Claimant's cousin. The CRT further notes that the database also includes a person named Emil Mayer and indicates that his date of birth was 1868, which is consistent with the information about Account

Owner E. Mayer 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 the Claimant's cousin Julius Mayer also submitted testimony included in the database of victim names regarding his great-aunt Josephine Mayer, née Kahn, who was born in 1861 in Frankfurt am Main, who was married to Elias Mayer, who resided in Freiburg, and who committed suicide after being arrested by the Gestapo on 3 March 1939.

The CRT notes that the Claimant submitted her IQ, asserting her entitlement to a Swiss bank account owned by Joseph Mayer, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has not based her claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her independently of the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that there are no other equally plausible claims to this account.³ Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner J. Mayer was Jewish and that he perished in Auschwitz. The Claimant further stated that the persons claimed to be Account Owner E. Mayer were Jewish, that they resided in Germany, that one of them fled to England between 1937 and 1939, and that the other perished in approximately 1940. As noted above, persons named Josef Mayer and Emil Mayer were included in the CRT's database of victims along with another relative named Josephine Mayer, who was married to Elias Mayer. The CRT further notes that the Account Owners' relatives Mina Löb, née Mayer, Max Löb, and Herta Löb were also included in the database.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information demonstrating that the Account Owners were the Claimant's

³ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owners in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

uncle and great-uncles. The CRT further notes that the Claimant identified unpublished information about the Account Owners; that the Claimant filed her IQ in 1999, identifying the relationship between Account Owner J. Mayer and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her IQ. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 5 August 1937.

Given that the Account Owners resided in Germany at the time the account was closed, and would not have been able to repatriate their account to Germany without losing ultimate control over its proceeds; that the Account Owners were Victims of Nazi Persecution; that there is no record of the payment of the Account Owners' account to them; that the Account Owners and their heirs would not have been able to obtain information about their account 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 (a), (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 account proceeds were not paid to the Account Owners 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were his uncle and great-uncles, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held 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 ICEP's instructions (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor

of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 September 2009