

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Wilhelmine Mayer

Claim Number: 500911/MI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Wilhelmine Mayer (the “Account Owner”) at 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 his paternal great-aunt, Wilhelmine (Helena) Mayer, née Greilsheimer, who was born on 10 August 1879 in Friesenheim, Germany, was married to [REDACTED] on 23 June 1903 in Friesenheim, and was the daughter of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his great-aunt, who was Jewish, was a housewife, and that her husband, who was originally from Emmendingen, Germany, was a merchant. The Claimant stated that his great-aunt and her husband had one child, [REDACTED], who has since died, without any children of his own. The Claimant indicated that his great-aunt and her husband emigrated to Holland, before they were deported to a concentration camp, where they perished. According to documents submitted by the Claimant, other members of his family resided in Freiburg, Germany.

The Claimant submitted copies of documents in support of his claim, including extensive genealogical research, indicating that Helena Greilsheimer was born on 10 August 1879 in

¹ The Claimant submitted seven additional claims, which are registered under the Claim Numbers 216646, 216647, 216648, 216649, 500910, 500912 and 500913. The CRT has determined that claims 216647 and 216648 are duplicate claims and treated them under the consolidated Claim Number 216647. With respect to claim 216646 and the consolidated claim 216647, in a separate decision, the CRT awarded the account of Julius Greilsheimer and Elsa Greilsheimer to the Claimant and [REDACTED]. See *In re Account of Julius Greilsheimer and Elsa Greilsheimer* (approved on 25 October 2002). With respect to claims 216649, 500910, 500912 and 500913, the CRT will treat them in separate determinations.

Friesenheim, was married to [REDACTED] on 23 June 1903 in Friesenheim, was the daughter of [REDACTED] and [REDACTED], née [REDACTED], the brother of [REDACTED], and [REDACTED]'s paternal great-aunt; his grandfather's certificate of ancestry, indicating that [REDACTED] was born on 1 June 1873 in Friesenheim, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and an excerpt for his great-grandfather in the death registry from the city of Friesenheim, indicating that [REDACTED] died on 24 February 1912 in Friesenheim.

The Claimant indicated that he was born on 5 January 1947 in New York, the United States.

Information Available in the Bank's Record

The auditors who carried out the investigation of the 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 submit any Bank's records pertaining to the account at issue, but prepared a report on the account and submitted a printout from the database of accounts blocked in the 1945 freeze of accounts held in Switzerland by nationals of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"). This database was prepared by the ICEP auditors on the basis of records available at the Swiss Federal Archive. According to these records, the Account Owner was *Frau* (Mrs.) Wilhelmine Mayer, who resided in Freiburg, Germany.

These records indicate that the Account Owner held an account, the type of which is not indicated. According to these records, the account was blocked in the 1945 Freeze. The balance of the account as of 17 February 1945 was 4.00 Swiss Francs ("SF").

The ICEP auditors did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the records provided by the ICEP auditors that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal great-aunt's name matches the published name of the Account Owner. The CRT notes that the Claimant's great-aunt resided in a town approximately 40 kilometers away from that recorded as the city of residence of the Account Owner. The CRT further notes that other members of the Claimant's family resided in Freiburg, and concludes that it is plausible that the Claimant's great-aunt would have listed Freiburg as her domicile when opening a bank account.

In support of his claim, the Claimant submitted copies of documents, including extensive genealogical research, and his grandfather's certificate of ancestry, providing independent verification that the person who is claimed to be the Account Owner had the same name as the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Helena (Hermine) Mayer, née Greilsheimer, and indicates that her date of birth was 10 August 1875 and place of birth was Friesenheim, which matches the information about the Account Owner provided by the Claimant.² The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel

The CRT notes that the name Wilhelmine Mayer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 was deported to a concentration camp, where she perished. As noted above, a person named Helena Mayer was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's great-aunt. These documents include extensive genealogical research, his grandfather's certificate of ancestry, and an excerpt from the death registry of Friesenheim for his great-grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported to a concentration camp, where she perished; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 Presumption (h), as provided in Article 28 of the Rules Governing the Claims

² The CRT notes that there is a discrepancy between the Claimant's great-aunt's year of birth and that of the person listed in the CRT's database of victims. However, given that the person listed in the database has the same alternate first name, surname, maiden name, day and month of birth, and city of birth, the CRT concludes that they are the same person. Furthermore, the CRT notes that the CRT notes this database of victims also includes two entries for Hermine Mayer, née Greilsheimer, and indicates that her date of birth was 10 August 1875 and place of birth was Friesenheim, which matches the information about the Account Owner provided by the Claimant.

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 Owner or her 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 Owner was his great-aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The records submitted by the ICEP auditors indicate that the value of the account as of 17 February 1945 was SF 4.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account in 1945. Consequently, the adjusted balance of the account at issue is SF 19.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 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
27 February 2007