

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of J. Meier

Claim Number: 208039/NB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Julius Meier and Jeanne Leonie Meier. This Certified Award is to the unpublished account of J. Meier (the “Account Owner”) held at the [REDACTED] (the “Bank”).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 either his father, Julius Meier, who was born on 3 February 1883, or his mother, Jeanne Leonie Meier, née Schick. The Claimant stated that his parents, who were Jewish, lived in Landau, Rheinpfalz, Germany, where they own a wine wholesale business. According to the Claimant, his parents’ business and real estate were confiscated by the Nazis in 1938. Although the Claimant did not indicate the exact fate of his mother during the Second World War, he stated that his father was first deported to Gurs, France, on 10 October 1940, and then to Dachau concentration camp. Finally, the Claimant indicated that his father survived the War and that he died in Chicago, Illinois, the United States in 1946.

The Claimant indicated that he was born on 23 June 1921 in Ludwigshafen am Rhein, Germany.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Julius Meier or his mother Jeanne Leonie Meier.

Information Available in the Bank's Record

The Bank's record consists of a report from 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 this record, the Account Owner was J. Meier. The auditors' report does not indicate the Account Owner's domicile.

The auditors' report indicates that the Account Owner held an account, the type of which is not indicated, numbered 612. The auditors' report further indicates that the account was transferred to a suspense account on 18 October 1961, when it contained a balance of 3.00 Swiss Francs ("SF"). The auditors' report indicates that the account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's and father's first name initials and surnames match the unpublished first name initial and surname of the Account Owner. The CRT further notes that the auditors' report does not contain any specific information about the Account Owner other than his or her name.

The CRT notes that the first name initials and surnames of both the Claimant's parents match that of the Account Owner. The CRT also notes that the Claimant stated that his father survived the War and died in 1946 in Chicago, but did not provide any information about the fate of his mother. The Bank's records show that the account remained open after the War and was suspended in 1961. Although the Claimant's father survived the War, the CRT finds it plausible that he may not have had accessed the account in the short time between the end of the War and his death in 1946. Accordingly, the CRT finds it equally plausible that the Account Owner was either the Claimant's mother or father.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by J. Meier, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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.

Given that there are no other equally plausible claims to this account,¹ the CRT concludes that the Claimant has plausibly identified the Account Owner.

¹As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an

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 his parents were Jewish, that they resided in Nazi-Germany, that the family business was confiscated, and that his father was deported to Gurs and then to Dachau concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was either the Claimant's mother or father.

There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant filed an IQ, with the Court in 1999, identifying the relationship between him and the Account Owner. Finally, the CRT 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 he has asserted in his IQ.

The Issue of Who Received the Proceeds

The auditors' report indicates that the account was transferred to a suspense account on 18 October 1961 and that it remains suspended.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was the Claimant's mother, and this relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

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 the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; 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.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors' report indicates that the value of that account as of 18 October 1961 was SF 3.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 258.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

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