

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Theodor Meyer and Hermine Meyer

Claim Numbers: 501802/NB, 501803/NB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Theodor Meyer (“Account Owner Theodor Meyer”) and Hermine Meyer, née David (“Account Owner Hermine Meyer”) (together the “Account Owners”) 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 two Claim Forms identifying the Account Owners as her maternal grandparents, Theodor Meyer, who was born on 02 September 1853 in Edenkoben, Germany, and Hermine Meyer, née David, who was born on 15 July 1869 in Frankenthal, Pfalz, Germany, to [REDACTED] and [REDACTED]. The Claimant stated that her grandparents, who were Jewish, had three children, [REDACTED], [REDACTED], and [REDACTED], née [REDACTED] (the Claimant’s mother). The Claimant indicated that her grandfather died on 13 July 1936 in Leipzig, Germany, and that his widow, who had resided in Zweibrücken, Germany, and Leipzig, committed suicide on 18 July 1942, in Ludwigshafen, Germany, in the face of deportation to Teresienstadt.

In support of her claim, the Claimant submitted copies of: (1) her family tree, which indicates that Theodor and Hermine Meyer were the parents of [REDACTED], née [REDACTED], who was the Claimant’s mother; (2) her mother’s birth certificate, which indicates that [REDACTED] was born on 5 March 1890 in Ludwigshafen, Germany, to Theodor Meyer and Hermine Meyer, née David; (3) her birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED], née [REDACTED]; (4) a page of testimony submitted to the Yad Vashem Memorial in Israel on 10 March 2003 by Dr. Ulrich Bollert, which indicates that Hermine Meyer, née David, was born on 15 July 1869 in Frankenthal, Pfalz, Germany, to

[REDACTED] and [REDACTED], née [REDACTED], that she was the widow of Theodor Meyer, and that she committed suicide on 18 July 1942 in the face of deportation.

The Claimant indicated that she was born on 1 November 1925 in Ludwigshafen, Germany.

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 report, the Account Owners were Theodor Meyer and Hermine Meyer, née David, who resided at 36 Dufourstrasse, Leipzig, Germany.

The auditors' report indicates that the Account Owners held an account, the type of which is not indicated, which was opened on 19 July 1927. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. The auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the auditors' report that the Account Owners or their heirs closed the account and received the proceeds themselves.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandparents' names, city and country of residence, as well as her grandmother's maiden name, match the published names, city and country of residence of the Account Owners, as well as Account Owner Hermine Meyer's maiden name. The Claimant identified a relationship between the Account Owners which matches unpublished information about the Account Owners contained in the auditors' report.

In support of her claim, the Claimant submitted documents, including her mother's birth certificate, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same country recorded in the auditors' report as the names and country of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's relative, [REDACTED] in 2003, which indicates that Hermine Meyer, née David was born on 15 July 1869 in Frankenthal, Pfalz, Germany, to [REDACTED] and [REDACTED], that she was the widow of Theodor Meyer, and that she committed suicide on 18 July 1942 in Ludwigshafen, Germany, in the face of deportation. This information matches the information about the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

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 the Account Owners were Jewish, living in Nazi-controlled Germany, and that Account Owner Hermine Meyer committed suicide in the face of deportation to Teresienstadt.

As noted above, a person named Hermine Meyer, née David, was included in the CRT's database of victims.

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 and documents, demonstrating that the Account Owners were the Claimant's maternal grandparents. These documents include the Claimant's family tree, her birth certificate and her mother's birth certificate, which indicate that the Claimant is the daughter of [REDACTED], née [REDACTED], who was the daughter of Theodor Meyer and Hermine Meyer, née David. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that Account Owner Theodor Meyer died in 1936, and that Account Owner Hermine Meyer committed suicide in 1942 in the face of deportation, that there is no record of the payment of the Account Owners' account to them, nor any record of a date of closure of the account; 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 (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 her grandparents, and that relationship justifies 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 account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 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 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
18 December 2008