

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant John Beer
also acting on behalf of Lise Stein, Martin Beer,
and Hilda Grauman

in re Account of Otto Beer

Claim Number: 214264/MW

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of John Beer (the “Claimant”) to the published account of Otto Beer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 a Claim Form identifying the Account Owner as his father, Otto Beer, who was born on 13 January 1892 in St. Ingbert, Germany, and was married to Lucy Homburger. The Claimant indicated that his parents had four children: Lise, Martin, Hilda, and Hans (the Claimant). The Claimant indicated that his father was a businessman, and that he owned metal and construction materials stores in Saarbrücken and in St. Ingbert, which is located in the Saarland region of Germany.¹ According to the information provided by the Claimant, his family lived on Gymnasiumstrasse in St. Ingbert. The Claimant explained that his father frequently traveled to Switzerland for winter sports. The Claimant stated that Otto Beer, who was Jewish, fled with his family in 1935 from the Saarland to France, where they lived in Saint-Germain-en-Laye, France until they emigrated to the United States in 1937. The Claimant indicated that Lucy Beer died in Boston, Massachusetts, the United States in 1957, and that Otto Beer was married to Rosa Anna Berney Heinemann in 1959. The Claimant further indicated that Otto Beer died on 26 April 1972 in Cambridge, Massachusetts, the United States, and Rosa Anna Beer died on 10 February 1994 in Kennett Square, Pennsylvania, the United States. In support of his claim, the Claimant submitted his father’s will, in which Otto Beer bequeathed one-half of his Estate to his wife, Anne H. Beer, and the remaining one-half to his children, Lise Beer Stein,

¹ The CRT notes that, after the First World War, the Versailles Treaty placed the Saarland under international administration. In March 1935, it reverted to German control.

Martin Beer, Hilda Beer Grauman, and John Beer. The Claimant stated that he was born on 17 July 1927 in Saarbrücken. The Claimant represents his sister, Lise Stein, who was born on 6 April 1922 in Saarbrücken; his brother, Martin Beer, who was born on 13 January 1924 in Saarbrücken; and his sister Hilda Grauman, who was born on 14 June 1925 in Saarbrücken.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Otto Beer, who resided in St. Ingbert, Germany. This record indicates that the Account Owner held a safe deposit box numbered 180, which was closed on 25 July 1936. The content of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the safe deposit box and received its content themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that his father resided in St. Ingbert, Germany, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted his father's will, which indicates that Otto Beer bequeathed his Estate to his wife and children, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that there are no other claims to this account.

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 he and his family fled from the Saarland in 1935, and emigrated to the United States in 1937.

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 a document, demonstrating that the Account Owner was the Claimant's father. The Claimant submitted his father's will, which indicates that Otto Beer bequeathed half of his Estate to his children, Lise Beer Stein, Martin Beer, Hilda Beer Grauman and John Beer. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant's siblings whom he represents.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 25 July 1936, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed; that the Account Owner fled Saarland due to Nazi persecution; that the Account Owner may have had relatives remaining in Germany and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 Owner or his 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 safe deposit box. 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 according to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 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 15,500.00.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will, the award will provide for distribution among any beneficiaries named in the will who have submitted a claim. Accordingly, the Claimant, Lise Stein Beer, Martin Beer, and Hilda Grauman Beer, who are all named as heirs to the Account Owner's Estate, are each entitled to one-quarter of the total award amount.

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
10 December 2004