

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4], and
[REDACTED 5]

in re Accounts of Jacob Grumbacher and Betty Maier

Claim Number: 219842/AY¹

Award Amount: 239,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the account of Jacob Grumbacher. This Award is to the account of Jacob Grumbacher (“Account Owner Grumbacher”) and the accounts of Betty Maier (Account Owner Maier”) (together “the Account Owners”) 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owners as her paternal great-uncle, Jacob Grumbacher, who was born on 24 February 1885 in Cannstatt, Germany, and his wife, Elizabeth Grumbacher, née Maier,² who was born on 24 April 1894. The Claimant indicated that the couple had a son, [REDACTED], who was born on 18 August 1921 in Mannheim, Germany. According to the Claimant, Jacob Grumbacher, who was Jewish, was a German businessman who resided in Mannheim until the Nazis rose to power. The Claimant stated that during the Second World War, Jacob Grumbacher, his wife Elizabeth and their son [REDACTED] fled from Germany to Switzerland, Italy, and eventually to France. The Claimant added that the Nazis captured Jacob, Elizabeth and [REDACTED] Grumbacher while they were living in France and

¹ The CRT previously issued to the Claimant a Certified Award to accounts owned by [REDACTED] and [REDACTED], which was approved by the Court on 31 December 2003. See In re Accounts of [REDACTED], [REDACTED] and [REDACTED].

² The CRT notes that the Claimant provided spellings of both “Maier” and “Meier” when describing her great aunt.

deported them to Auschwitz, where they perished. The Claimant stated that Jacob Grumbacher had two brothers (Max and [REDACTED]) and four sisters ([REDACTED], [REDACTED], [REDACTED] and [REDACTED]). The Claimant explained that [REDACTED] married [REDACTED] and had three children: [REDACTED] (the Claimant's father) [REDACTED] and [REDACTED].

In support of her claim, the Claimant submitted numerous documents, including copies of: the birth certificate of her uncle, [REDACTED], indicating that his mother was [REDACTED], née [REDACTED], and his father was [REDACTED], both from Germany; the birth certificates of her cousins [REDACTED 3], [REDACTED 5] and [REDACTED 4], indicating that their father was [REDACTED]; her own birth certificate, indicating her father was [REDACTED]; pages from her grandmother's prayer book that contain hand-written entries memorializing historic family events. These entries include: (i) a hand written dedication that reads, "Presented to [REDACTED] on her wedding day 20 August 1907, Rabbi Samuel Friedman"; (ii) the dates of birth of [REDACTED]'s children: the Claimant's father [REDACTED], 24 August 1908, [REDACTED], 10 February 1912, and [REDACTED], 17 July 1917; and (iii) the dates of death of [REDACTED], 10 June 1933, her father, [REDACTED], 29 June 1915, and her mother, [REDACTED], 9 November 1925.

The Claimant indicated that she was born on 17 December 1929 in Philadelphia, Pennsylvania, the United States. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 9 December 1935 in Baltimore, Maryland, the United States, and her three cousins [REDACTED], [REDACTED] and [REDACTED] [REDACTED]. [REDACTED] was born on 13 November 1942 in Brooklyn, New York, the United States, and [REDACTED] and [REDACTED] were born on 4 February 1945 in New Haven, Connecticut, the United States.

Information Available in the Bank's Records

Account Owner Grumbacher's account

The Bank's records consist of a power of attorney form signed on 22 March 1930 in Mannheim, Germany, and printouts from the Bank's database. According to these records, the Account Owner was Jacob Grumbacher, who resided in Mannheim at Karl Ludwigstrasse 5, and the Power of Attorney Holder was *Herr* (Mr.) Max Grumbacher, who resided in Mannheim.

The Bank's records further indicate that Account Owner Grumbacher held an account of unknown type, which was opened no later than 22 March 1930. The Bank's records do not indicate when this account was closed, to whom it was paid, nor the value of this account. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Grumbacher, the Power of

Attorney Holder, or their heirs closed the account and received the proceeds themselves.

Account Owner Maier's accounts

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Betty Maier, who resided at Hebelstrasse 21 in Mannheim, and the Power of Attorney Holder was Jacob Grumbacher, who resided in Mannheim. The auditors who carried out the ICEP Investigation indicated that the Power of Attorney Holder's address was Karl Ludwigstrasse 5. The Bank's records indicate that on 23 September 1930, the Power of Attorney Holder contacted the Bank to request that Account Owner Maier be referred to as *Fräulein* (Miss) rather than as *Frau* (Mrs.).

The Bank's records indicate that Account Owner Maier held a custody account, numbered 29959, which was opened no later than 20 March 1930 and was closed on 30 June 1938. The amount in the account on the date of its closure is unknown. The Bank's records show that Account Owner Maier also held a time deposit account, which was closed on an unknown date. The Bank's records do not indicate the value of the time deposit account.

There is no evidence in the Bank's records that Account Owner Maier, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners and the Power of Attorney Holders. The names of her paternal great-uncle and his wife, as well as their places of residence, match the published names and place of residence of the Account Owners. Furthermore, the Claimant's great-uncle's brother's name, Max Grumbacher, matches the published name of the Power of Attorney Holder for Account Owner Jacob Grumbacher's account. The CRT notes that although the Claimant did not claim the published accounts of Betty Maier, the Claimant indicated that her great-uncle's wife's name was Elizabeth Maier. The CRT notes that Jacob Grumbacher was the Power of Attorney Holder to Account Owner Maier's account, that he requested that the Bank correct her name from *Frau* Maier to *Fräulein* Maier, and that "Betty" is a diminutive form of the name "Elizabeth" and concludes that it is therefore plausible that Account Owner Maier was the Claimant's great-aunt.³

³ Given the fact that Jacob Grumbacher was the Power of Attorney Holder of Account Maier's account and that he requested that the Bank correct Account Owner Maier's name from *Frau* Maier to *Fräulein* Maier, the CRT concludes that Account Owner Maier was in any event a relative of Jacob Grumbacher's wife, Elizabeth Grumbacher, née Maier, if not in fact Elizabeth Grumbacher herself. The CRT further notes that the Claimant's identification of Account Owner Maier as Elizabeth Maier as opposed to Betty Maier is not material to the CRT's determination that the Claimant has plausibly identified Account Owner Maier.

In support of her claim, the Claimant submitted numerous documents, including copies of: the birth certificate of her uncle, [REDACTED], indicating that his mother was [REDACTED], née [REDACTED], and his father was [REDACTED], both from Germany; the birth certificates of her cousins [REDACTED 3], [REDACTED 5] and [REDACTED 4], indicating that their father was [REDACTED]; her own birth certificate, indicating her father was [REDACTED]; pages from her grandmother's prayer book that contain hand-written entries memorializing historic family events. These entries include: (i) a hand written dedication that reads, "Presented to [REDACTED] on her wedding day 20 August 1907, Rabbi Samuel Friedman"; (ii) the dates of birth of [REDACTED]'s children: the Claimant's father [REDACTED], 24 August 1908, [REDACTED], 10 February 1912, and [REDACTED], 17 July 1917; and (iii) the dates of death of [REDACTED], 10 June 1933, her father, [REDACTED], 29 June 1915, and her mother, [REDACTED], 9 November 1925. Furthermore, the Claimant submitted birth certificates providing independent verification that the Claimant's relatives bore the family name Grumbacher and that her ancestors were from Germany.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jacob Grumbacher, and indicates that his date of birth was 24 February 1885, which matches the information about Account Owner Grumbacher provided by the Claimant. The database also includes a person named Betty Maier, and indicates that her place of birth was Germany and indicates her address in France, which matches the information about Account Owner Maier 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 name Jakob (Jacob) Grumbacher appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution. Finally, the CRT notes that there are no other claims to these accounts. 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 the Account Owners were Jewish, that they fled from Germany to Switzerland, Italy and then to France, and that they were eventually captured by the Nazis and deported to Auschwitz where they perished.

As noted above, the names Jacob Grumbacher and Betty Maier were 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 great-uncle and his wife. The CRT further notes that the Claimant

submitted information about Account Owner Grumbacher that matches information contained in the Yad Vashem records. Furthermore, the Claimant submitted a family tree identifying her great-uncle as Jacob Grumbacher; her grandmother's prayer book, identifying the Claimant's grandmother as [REDACTED], née [REDACTED], and her two sons as [REDACTED] and [REDACTED]; the Claimant's own birth certificate, identifying her father as [REDACTED]; and her uncle's birth certificate, identifying him as [REDACTED] and his mother as [REDACTED] from Germany. The CRT notes that the foregoing information is of the type that family 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 Claim Form. The CRT notes that although the Claimant is representing her sister and three of her cousins in this proceeding, it appears from the Claimant's family tree that she has two other cousins who are not represented. The CRT further notes that had these two individuals submitted claims (or were represented by the Claimant) they would also be entitled to a portion of the award as surviving heirs of the Account Owners.

The Issue of Who Received the Proceeds

Given that the Account Owners were Jewish and resided in Nazi Germany until they fled to Switzerland, Italy and France during the Second World War; that the Account Owners would not have been able to repatriate their accounts to Germany without their confiscation; that the Account Owners were deported to concentration camps, where they perished; that there is no record of the payment of the Account Owners' accounts to them, to the Power of Attorney Holder, or to their heirs; that the Account Owners' heirs would not have been able to obtain information about their accounts 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, the Power of Attorney Holders 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 great-uncle and great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Grumbacher held one account of unknown type and Account Owner Maier held one custody account and one time 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs, the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a time deposit account, which is categorized as an account of “other type,” was 2,200.00 Swiss Francs. Consequently, the total 1945 average value of the accounts at issue was 19,150.00 Swiss Francs. 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 239,375.00 Swiss Francs.

Division of the Award

The Claimant is representing her sister and three of her cousins. According to Article 29(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s parents who have submitted a claim in equal shares by representation. Accordingly, the Claimant and her sister, [REDACTED 2], as the children of the Account Owners’ nephew [REDACTED], are each entitled to one-quarter of the total award amount, splitting the share that their father would have been entitled to. Additionally, the Claimant’s cousins, [REDACTED 3], [REDACTED 4], and [REDACTED 5], as the children of the Account Owners’ nephew [REDACTED], are each entitled to one-sixth of the total award amount, splitting the share that their father would have been entitled to.

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.

28 May 2004