

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Sofia Ioffe

in re Account of Josef Maier

Claim Number: 220689/AZ

Award Amount: 57,412.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Joseph Mayer. This Award is to the published account of Josef Maier (the “Account Owner”) at the St. Gallen branch of the [REDACTED] (the “Bank”).¹

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 her grandfather’s cousin’s son, Dr. Joseph Meyer, who was born in approximately 1894 in Riga, Latvia to [REDACTED] and [REDACTED]. The Claimant indicated that Joseph Meyer, who was Jewish, was a physician in Berlin, Germany, that he had his own medical practice, and that he was a wealthy man. The Claimant further indicated that her relative’s father died in 1930 and that Joseph Meyer fled from Germany to Riga after the Nazis’ rise to power in 1933. According to the Claimant, Joseph Meyer lived in Riga until 1938, when he emigrated to Baltimore, Maryland, the United States, following his mother [REDACTED]’s death. The Claimant stated that after the War, she tried to trace her relative through the International Red Cross but was unable to locate him. Finally, the Claimant indicated that Joseph Meyer was not married and had no children and that she is his closest living heir.

¹ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Josef Maier appears three times and that the names J. Mayer, Josef Mayer, Joseph A. Mayer, Josef Meier, J. Meyer, Jos Meyer, and Joseph Meyer also appear. The CRT will treat the claim to these accounts in separate determinations.

In further correspondence with the CRT, the Claimant indicated that her family members used different spellings of their surname and that the spelling may have varied between Germany, Latvia, and other countries in which they resided.

The Claimant indicated that she was born on 6 July 1920 in Harkov (Charkiv), the Ukraine.

Information Available in the Bank's Records

The Bank's records consist of excerpts from a list of accounts reported in the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"). According to these records, the Account Owner was Dr. Josef Maier, who resided in Germany. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which held a balance of 4,578.00 Swiss Francs ("SF") on 17 February 1945.

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") indicated that the account was unfrozen on 2 October 1953. The auditors who conducted the ICEP Investigation 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 Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's relative's name and country of residence match the published name and country of residence of the Account Owner.² The CRT notes that the Claimant indicated that relatives used different name spellings, which varied between countries. The Claimant identified the Account Owner's title, which matches unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the other claims to this account were disconfirmed because those claimants failed to identify the Account Owner's title. 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, that he fled Nazi Germany in 1933, and that he later emigrated to the United States.

² The CRT notes that Meyer and Maier are variations of the same name.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's grandfather's cousin's son. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. 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 she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on an unspecified date.

Given that the Account Owner fled Nazi Germany in 1933 and emigrated to the United States in 1938; that the account was frozen in 1945 and unfrozen in 1953; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; 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 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 her grandfather's cousin's son, 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 account of unknown type. The Bank's records indicate that the value of the account as of 17 February 1945 was SF 4,578.00. 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 4,593.00. 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 57,412.50.

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
23 April 2007