

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Sophie Maier

Claim Number: 220362/NB

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née Maier, (the “Claimant”) to the published account of Sophie Maier (the “Account Owner”) at the Zurich 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 Claimants

The Claimant submitted a Claim Form identifying the Account Owner as her paternal grandmother, Sophie Maier, née Tiefenbronner, who was married to [REDACTED]. In a telephone conversation with the CRT, the Claimant stated that her grandmother was born in Königsbach, Germany, where she lived until 1938, when in the wake of *Kristallnacht* (the Night of Broken Glass pogrom), she moved to Pforzheim, Germany. The Claimant further stated that, in 1940, her grandmother and her grandmother’s family were deported to the concentration camp at Gurs. According to the Claimant, in 1942, her grandmother was deported to Auschwitz, where she perished that same year. The Claimant stated that she was the only one from her family to survive the Second World War.

The Claimant submitted a copy of her father’s birth certificate, indicating that [REDACTED] was born on 4 April 1892 in Königsbach/Baden, Germany, that his father was [REDACTED], who was a merchant, that his mother was Sophie Maier, née Tiefenbronner, and that both of his parents resided in Königsbach.

The Claimant indicated that she was born on 7 September 1924 in Königsbach.

Information Available in the Bank's Records

The Bank's records consist of internal correspondence and accounting ledgers and numerous other documents and correspondence between the Bank and the *Schweizerische Verrechnungsstelle, Abteilung für die Liquidation deutscher Vermögenswerte* (Swiss Clearing Office, Division of Liquidation of German Assets, or "Swiss Clearing Office") relating to a freeze of the account on the basis of the Swiss federal decree of 16 February 1945 concerning accounts of German account owners (the "1945 Freeze"), as well as printouts from the Bank's databases.

According to these documents, the Account Owner was *Frau* (Mrs.) Sophie Maier, who resided at Bunsenstrasse 3 in Heidelberg, Germany. These documents further indicate that *Rechtsanwalt* (Attorney) Dr. H. Müller of Rohrbachstrasse 3 in Heidelberg was listed as a custodian of the account, and that the last confirmation of the account information had occurred at some point in 1938. The Bank's records indicate that the Account Owner held one savings/passbook account numbered 34536.

The Bank's records indicate that the account was held in a collective depot numbered 3039 at the Bank, and had a value of 192.05 Swiss Francs ("SF") when it was liquidated and transferred to the Swiss Clearing Office on 31 December 1949, where the value of the account was held under identification number 22087 in a collective depot at the *Schweizerisches National Bank* (Swiss National Bank), until it was released from the 1945 Freeze, and the value of SF 193.20 was transferred back to the Bank on 7 May 1953. Correspondence in the Bank's file indicates the Bank attempted to contact the Account Owner and the custodian listed on the account in 1953 and 1957 without success. The Bank's records further indicate that on 14 July 1997, the then-current value of the account of SF 183.20 was pooled into a collective suspense account for assets of untraceable account owners, where it remains today.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant indicated that her grandmother resided in Königsbach, which is approximately sixty kilometers from Heidelberg, the Account Owner's city of residence. The CRT considers it plausible that the Claimant's grandmother may have also had a residence or an address in Heidelberg, which she used for the purposes of maintaining the account.

In support of her claim, the Claimant submitted her father's birth certificate, identifying [REDACTED]'s mother as Sophie Maier, and indicating that she resided in Königsbach, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in a small town near the location recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Sophie Maier, and indicates that their year of deportation was 1940, which matches the information about the Account Owner 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 the name Sophie Maier appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT further 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 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, and that she was deported first in 1940 to Gurs, and then in 1942 to Auschwitz, where she perished.

As noted above, persons named Sophie Maier were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's grandmother. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her father's birth certificate, identifying [REDACTED]'s mother as Sophie Maier. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, and which provides independent verification that the Claimant's relatives bore the same family name and resided in a small nearby town as that of 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was last pooled into a collective suspense account for assets of untraceable account owners on 14 July 1997, where it remains today.

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 (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one saving/passbook account. The Bank’s records indicate that the value of the saving/passbook account as of 31 December 1949 was SF 192.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 75.00, which reflects standardized bank fees charged to the saving/passbook account between 1945 and 1949. Consequently, the adjusted balance of the account at issue is SF 267.05. According to Article 29 of the Rules, if the amount in a saving/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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