

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Emil Meier**

Claim Number: 670007/AV<sup>1,2</sup>

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 Emil Meier (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 Claimant**

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her cousin, Emil Meier. The Claimant specified that her cousin, who was Jewish, and the Claimant’s father, [REDACTED], had the same grandfather. In a telephone conversation with the CRT on 23 August 2005, the Claimant stated that she was not sure where her cousin resided, but that he often visited her family in Kraftsolms, Germany. The Claimant further stated that after her family fled to the United States in 1938, they would receive correspondence from her cousin, but that this correspondence eventually stopped during the Second World War. The Claimant stated that she believed her cousin perished in the Holocaust. The Claimant indicated that she was born on 28 March 1929 in Kraftsolms.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED].<sup>3</sup>

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<sup>1</sup> The Claimant submitted an additional claim to accounts of [REDACTED] and [REDACTED], which is registered under the Claim Number 214874. The CRT will treat the claim to these accounts in separate determinations.

<sup>2</sup> The Claimant submitted a claim, numbered B-00529, on 12 January 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 670007.

<sup>3</sup> The CRT will treat the claim to these accounts in separate determinations.

## **Information Available in the Bank's Records**

The Bank's records consist of a list of accounts closed to the Bank's profit and loss account, an information card, and printouts from the Bank's database. According to these records, the Account Owner was Emil Meier. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. In addition, the Bank's records include an information card, containing the name [REDACTED], who resided in Davos, Switzerland, with the reference "*Siehe unter*" ("see under") Emil Meier.

The Bank's records indicate that the account had a balance of 57.50 Swiss Francs ("SF") on 30 June 1937. The Bank's records further indicate that the account was closed to the Bank's profit and loss account in the 1950s or early 1960s, with a balance of SF 57.50.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's cousin's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.<sup>4</sup> The CRT notes that the Claimant filed an HCPO claim form in 1998, asserting her entitlement to a Swiss bank account owned by Emil Meier, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that the name Emil Meier appears only once on the ICEP List. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different last name spelling than the spelling of the Account Owner's last name, and submitted documents and a signature sample substantiating that different spelling. 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 lived in Nazi Germany, and that she believes that the Account Owner perished in the Holocaust.

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<sup>4</sup> The CRT notes that the Bank's records contain the name of [REDACTED], whom the Claimant did not identify. The CRT further notes that the Bank's records do not indicate the connection between this individual and the account or between this individual and the Account Owner, and that it does not appear that this individual was related to the Account Owner.

### 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 cousin. The CRT notes that the Claimant filed a claim to the HCPO in 1998, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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 to the Bank's profit and loss account.

### 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 cousin, 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 30 June 1937 was SF 57.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is 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  
21 September 2005

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