

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of M. Meier

Claim Number: 202280/NB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Max Meier and Benno Meier.¹ This Award is to the published account of M. Meier (the “Account Owner”) 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 owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, Max Meier, who was born in 1909. The Claimant stated that her father, [REDACTED], along with his brother, Max Meier, who resided at Kiliansplatz, Munich, Germany, owned a chocolate factory in Munich. According to the Claimant, her father and her uncle had relatives who lived in Basel, Switzerland. The Claimant further stated that in 1935, her family’s business was confiscated by the Nazis, and that her uncle, who was Jewish, was imprisoned in Dachau concentration camp until 1940, at which point he was transferred to Riga, Latvia, where he was killed.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by her father [REDACTED] and her uncle, Max Meier.

¹ In a separate decision, the CRT treated the Claimant’s claim to the account of Max Meier. See *Claimed Account Owners: Max Meier and Benno Meier* (approved on 24 April 2007). The CRT did not locate an account belonging to Benno Meier in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant indicated that she was born on 24 June 1931 in Munich, Germany.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was M. Meier. The Bank's records do not indicate the Account Owner's place of residence.

The Bank's records further indicate that the Account Owner held an account, the type of which is not indicated, which was suspended on 12 April 1973, when it contained a balance of 42.30 Swiss Francs ("SF"). The Bank's records indicate that the account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's first name initial and surname match the published first name initial and surname of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her or his first name initial and last name.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by her father, [REDACTED] and her uncle, Max Meier, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or 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 uncle, 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 there are no other equally plausible claims to this account.² Accordingly, the CRT concludes that the Claimant has plausibly identified the Account Owner.

² As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, and/or nationality. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

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 her uncle was Jewish, that he was first deported to Dachau concentration camp, and that in 1940, he was transferred to Riga, Latvia, where he was killed.

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 paternal uncle.

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 suspended by the Bank on 12 April 1973 and that it remains suspended.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was the Claimant's paternal uncle, and this relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank's records indicate that the value of the account of unknown type as of 12 April 1973 was SF 42.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 435.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1973. Consequently, the adjusted balance of the account at issue is SF 477.30. 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 present 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.

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