

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Michael Savage

in re Account of Marie Meier

Claim Numbers: 207603/MBC; 401805/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Sigmund Fichmann, Leo Fichmann, and Charles Vascoboynik.² This Award is to the published account of Marie Meier (the “Account Owner”) at the Lucerne 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 an ATAG Ernst & Young claim form in 1998, a Claim Form in 2001, and a Claim Form in 2005, identifying the Account Owner as her paternal grandmother, Marie Fichmann, née Meier, who was born in approximately 1861 in Czernowitz, Austria-Hungary (now Chernivtsi, the Ukraine), and was married to [REDACTED] in Czernowitz during the 1870s. According to information provided by the Claimant, her grandparents had four children: [REDACTED], [REDACTED], [REDACTED], and [REDACTED] (the Claimant’s father). The Claimant indicated that her grandparents, who were Jewish, emigrated with their family to Berlin, Germany, where they resided from the 1890s until the 1930s. According to information provided by the Claimant, her grandfather owned and operated *Sigmund Fichmann Cigar Factory* and a tobacco shop in Berlin, where her grandmother worked as a clerk until 1937, when she died. The Claimant further indicated that her family was forced to flee Germany to avoid Nazi persecution shortly after her grandmother died.

The Claimant indicated that she was born on 21 April 1921 in Berlin.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 750334. The CRT will treat this claim in a separate determination.

² The CRT will treat the claims to these accounts in separate determinations.

Information Available in the Bank's Records

The Bank's records consist of an excerpt from the Bank's ledger and a printout from the Bank's database. According to these records, the Account Owner was Marie Meier. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated, numbered 541. The Bank's records also indicate that the account was transferred to a suspense account for dormant assets on 10 August 1955, on which date it had a balance of 8.50 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's grandmother'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 her name.

The CRT notes that the Claimant filed an ATAG Form in 1998, asserting her entitlement to a Swiss bank account owned by her paternal uncle, prior to the publication in February 2001 of the list of accounts determined by the auditors who carried out the investigation of this Bank instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"), and also indicated that her grandfather was [REDACTED]. This indicates that the Claimant has based her present claim 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 one of her relatives owned a Swiss bank account prior to the publication of the ICEP List. The CRT notes that the other claims to this account were disconfirmed because the Claimant here was the only one to identify the exact spelling of the Account Owner's name, and because she identified the name prior to publication, making her claim more plausible than those of the competing claimants. 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 she resided in Nazi Germany, and that the Account Owner's family fled Germany to avoid Nazi persecution shortly after her death in 1937.

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 grandmother. The CRT notes that the Claimant filed an ATAG Form in 1998, identifying a relationship between the Account Owner's spouse and the Claimant, prior to the publication in February 2001 of the ICEP List, which 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 transferred on 10 August 1955 to a suspense account, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are 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 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 an account of unknown type. The Bank's records indicate that the value of the account as of 10 August 1955 was SF 8.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the account between 1945 and 1955. Consequently, the adjusted balance of the account at issue is SF 173.50. 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, to produce a total award amount of 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 claims 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 March 2007