

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Wilhelm Meier

Claim Numbers: 210609/SJ; 211990/SJ

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Wilhelm Meier (the “Account Owner”) at the Luzern branch of the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants each submitted a Claim Form, providing information identifying the Account Owner as their father, William (Wilhelm) Meyer, who was born on 19 May 1881 in Oberlustadt, Germany, and was married to [REDACTED] in Germany. William and [REDACTED] Meyer had twin daughters, the Claimants, who were born on 1 April 1919 in Mannheim, Germany. William Meyer was a food broker in Mannheim until May 1939, when he was deported to the Gurs concentration camp in France, where he was kept until April of 1941. On 22 April 1941 the American Consulate in Marseille, France issued William Meyer a United States Entry Visa for himself and his family. William Meyer died in New York City on 1 May 1963. In support of their claims the Claimants provided a copy of the United States Entry Visa, a copy of each of their parents’ German identity cards, as well as their German passports, stamped on 11 September 1939 with a “J” for *Jude*, certificates from their parents’ internment at the Gurs concentration camp, and various other documentation.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was Wilhelm Meier. The bank records indicate that the Account Owner held an account of unknown type. The only other information available is that the balance on 17 May 1984 was 151.05 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their father's name matches the unpublished name of the Account Owner. While the Claimants have identified their father as "William Meyer" and the bank records refer to a "Wilhelm Meier," the bank records consist of no original documentation, only reports that were generated in 1984. As a result, it is plausible that the spellings were changed inadvertently or that the actual spelling was hard to decipher from the original documents. Therefore, the CRT finds it plausible that William Meyer and Wilhelm Meier were the same individual and the Account Owner. In support of their claim, the Claimants submitted documents, including a copy of the United States Entry Visa issued to their father, a copy of each of their parents' German identity cards, as well as their German passports, stamped with a "J" for *Jude*, certificates from their parents' internment at the Gurs concentration camp in France, and various other documentation.

The CRT notes that the Claimants filed an ATAG Ernst & Young claim form in 1998 asserting their entitlement to a Swiss bank account owned by William Meyer, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimants have based their 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 them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and that he was interned

at the Gurs concentration camp in France. Additionally, the Claimant has submitted copies of the Account Owner's German passport, stamped with a "J" for *Jude*, so that all would know that he was a Jew.

The Claimant's Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents demonstrating that he is their father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, and that 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

Pursuant to Article 35 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 65% of the total award amount is 30,810.00 Swiss Francs.

Division of the Award

According to Article 29 of the Rules, children of an Account Owner who have submitted a claim are entitled to equal shares of the Award. As a result, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
October 24, 2002