

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]
represented by Harald Reichert

in re Account of S. Mendels

Claim Number: 221357/AC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of S. Mendels (the “Account Owner”) at the Basel 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 Form identifying the Account Owner as his paternal great-grandfather, [REDACTED], who was born on 17 May 1874 in Almelo, the Netherlands, and was married to [REDACTED]. The Claimant stated that in the late nineteenth century, his great-grandfather, who was Jewish, moved to Belgium, where his son, [REDACTED], and daughter, [REDACTED] were born. The Claimant indicated that his great-grandfather resided at Anderlecht, which is less than five kilometers from Brussels, Belgium. The Claimant stated that his great-grandfather owned a company for office equipment, called *Flandre Inc.* The Claimant explained that his great-grandfather did not use the name *Mendels* for the company because he wanted to hide the fact that he was Jewish. According to the Claimant, [REDACTED]’s son [REDACTED] lived in Etterbeek, Belgium, which is less than five kilometers from Brussels, in approximately 1935, and that he fled to New York, New York, the United States in 1939. The Claimant stated that he did not know whether his great-grandfather also fled, and that he does not have more information regarding his great-grandfather because most of his relatives who would have more information have died. The Claimant stated that after the Second World War, his paternal grandfather, [REDACTED], took the name [REDACTED] after the name of his father’s former store. The Claimant stated that his great-grandfather died on 8 February 1957 in Jette, Belgium, which is less than five kilometers from Brussels.

The Claimant submitted documents in support of his claim, including: (1) a copy of his great-grandfather's death certificate, indicating that [REDACTED] was born on 17 May 1874 in Almelo and died on 8 February 1957 in Jette; (2) a copy of his grandfather's death certificate, indicating that [REDACTED] was the son of [REDACTED]; (3) a certificate of name change for his grandfather, which indicates that [REDACTED] changed his name to [REDACTED] on 9 June 1947; (4) a copy of his father's birth certificate, indicating that [REDACTED] was the son of [REDACTED], and that he was married to [REDACTED]; (5) copies of his and his brother's birth certificates, indicating that their father was [REDACTED]; and (6) a copy of his great-grandfather's last will, in which he bequeathed all of his assets to his grandson (the son of his son, [REDACTED]), [REDACTED].

The Claimant indicated that he was born on 19 January 1971 in Uccle, Belgium. The Claimant is representing his brother, [REDACTED], who was born on 30 June 1968, also in Uccle, and his mother, [REDACTED], who was born on 28 May 1942 in Namur, Belgium.

Information Available in the Bank's Records

The Bank's records consist of an account statement, a debit note, and lists of accounts. According to these records, the Account Owner was *Monsieur* (Mr.) S. Mendels who resided at 136 Rue Edith Caval, Ucal-Bruxelles, Belgium. The Bank's records indicate that the Account Owner held a demand deposit account. The Bank's records further indicate that the account was considered dormant by the Bank, and was transferred to a suspense account on 12 December 1945. The balance of the account on the date of the transfer was 49.00 Swiss Francs. According to the Bank's records, the account was closed by fees on 19 October 1964.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandfather's name matches the published name of the Account Owner. The Claimant identified his great-grandfather's city of residence as Anderlecht, which is less than five kilometers from Brussels, which is consistent published information about the Account Owner contained in the Bank's records. The Claimant also identified the unpublished gender of the Account Owner.

In support of his claim, the Claimant submitted documents, including: (1) a copy of his great-grandfather's death certificate; (2) a copy of his grandfather's death certificate, indicating that [REDACTED] was the son of [REDACTED]; and (3) a copy of his great-grandfather's last will, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided near the same city 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 a person named Samuel Mendels and indicates that his place of birth was Almelo,

which is consistent with 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 S. Mendels 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 CRT also notes that there are no other claims to this account. 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 resided in Nazi-occupied Belgium. As noted above, a person named Samuel Mendels was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's great-grandfather. These documents include: (1) a copy of his grandfather's death certificate, indicating that [REDACTED] was the son of [REDACTED]; (2) a certificate of name change for his grandfather, which indicates that [REDACTED] changed his name to [REDACTED]; (3) a copy of his father's birth certificate, indicating that [REDACTED] was the son of [REDACTED]; (4) copies of his and his brother's birth certificates, indicating that their father was [REDACTED]; and (5) a copy of his great-grandfather's last will, in which he bequeathed all of his assets to his grandson (the son of his son, [REDACTED]), [REDACTED].

There is no indication that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account on 12 December 1945, and that it was closed by fees on 19 October 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented parties [REDACTED 2] and [REDACTED 3]. 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 his great-grandfather, 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 accounts.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 12 December 1945 was SF 49.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

Division of the Award

According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. The CRT notes that, although the Claimant submitted his great-grandfather's last will, in which he bequeathed his assets to his grandson, [REDACTED] (the Claimant's father), he did not submit the last will of his father ([REDACTED]). In this case, the Claimant is representing his mother, [REDACTED 2], and his brother, [REDACTED 3]. Accordingly, represented party [REDACTED 2], as the wife of the Account Owner's sole beneficiary, is entitled to one-half of the award amount, and the Claimant and his brother, as the children of the Account Owner's sole beneficiary, are each entitled to one-fourth of the total award amount.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
6 May 2006