

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Frank Alfred Meyer
also acting on behalf of Edith Oppenheimer

in re Account of Alfred Meyer

Claim Number: 208081/AH

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Frank Alfred Meyer (the “Claimant”) to the account of Alfred Meyer (the “Account Owner”) at the Bern branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his father, Alfred Meyer, who was born on 26 June 1893 in Frankfurt, Germany, was married to Erna Oppenheimer on 5 January 1922 in Frankfurt. Alfred and Erna had two children: the Claimant and Edith Oppenheimer, née Meyer, whom the Claimant is representing. The Claimant stated that his father was the owner and operator of a haberdashery and linens store on Goethestrasse in Frankfurt, and lived on Brudergrimmstrasse, Frankfurt from 1925 to 1933, on Heinestrasse and Rudolfjungstrasse, Frankfurt from 1933 to 1935, and at 8 Melmstrasse, Frankfurt from 1935 to 1938. The Claimant indicated that in October 1938, Alfred Meyer brought his father to Palestine, intending to follow him with his family, and on his return he deposited a substantial amount of money in a Swiss bank to provide for the family’s immigration costs. However, on 9 November 1938, his father, who was Jewish, was taken to the Buchenwald concentration camp, where he perished on 19 November 1938. The Claimant’s mother died on 27 January 1995 in New York, New York, the United States. The Claimant provided various documents regarding his family, including a letter from an SS officer in Buchenwald informing Erna Meyer of the death of her husband, Alfred Meyer's death certificate, the Claimant's parents' marriage certificate, and an inheritance certificate. The Claimant indicated that he and his sister were born in Frankfurt on 24 November 1924 and 1 February 1928, respectively.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Alfred Meyer.

Information Available in the Bank Records

The bank records consist of a list of dormant and suspended accounts and printouts from the Bank's database. According to these records, the Account Owner was Alfred Meyer. The bank records indicate that the Account Owner held a demand deposit account that was opened at an unknown date. The account was suspended on 26 April 1965 with a balance of 1.00 Swiss Franc, and remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. In support of his claim, the Claimant submitted documents, including copies of his parents' marriage certificate, his father's death certificate, and a letter from an SS officer in the concentration camp in Buchenwald, all identifying the name Alfred Meyer.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Alfred 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 Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This also supports the credibility of the information provided by the Claimant.

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 that during the Second World War he was deported by the Nazis to Buchenwald, where he perished.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alfred Meyer, and indicates that his date of birth was 26 June 1893 and his place of birth was Frankfurt, which matches 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 Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting evidence demonstrating that his parents were Alfred and Erna Meyer. There is no information to

indicate that the Account Owner has any surviving heirs other than the Claimant and his sister, whom he represents.

The Issue of Who Received the Proceeds

The bank records indicate the account was suspended on 26 April 1965 and remains open and dormant.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was his 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

The bank records indicate that the value of the demand deposit account as of 26 April 1965 was 1.00 Swiss Franc. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 315.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 26 April 1965. Consequently, the adjusted balance of the account at issue is 316.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying 2,140.00 Swiss Francs by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Division of the Award

The Claimant is representing his sister, Edith Oppenheimer, née Meyer, in these proceedings. According to the principles of distribution of Article 29 of the Rules, the award shall be in favor of any descendants of the Account Owner who have submitted a claim to the account, in equal shares by representation, and therefore the Claimant and his sister are each entitled to receive one-half of any payment made to the Claimant.

Initial Payment

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. However, in this case, because the Claimant is age 75 or older, he is entitled to receive payment of 100% of his portion of the total award amount. Accordingly, the initial payment amount is 21,186.00 Swiss Francs, which is comprised of 100% of the Claimant's portion of the award amount (12,840.00 Swiss Francs) and 65% of his sister's share of the award amount (8,346.00 Swiss Francs).

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

23 January 2003