

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Account of Fritz Meyer

Claim Number: 790656/WT²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Kurt Meyer and Fritz Meyer.³ This award is to the published account of Fritz Meyer (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).⁴

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 Initial Questionnaire identifying the Account Owner as his paternal uncle, Friedrich (Fritz) Meyer, who was born in 1888 in Gelsenkirchen, Germany and was married to [REDACTED]. The Claimant stated that in 1931 his uncle moved to Cologne,

¹ The CRT notes that [REDACTED] (the “Claimant”) passed away on 8 April 2002.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered HEB-0274-195, and HEB-0278-168, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). These IQs were forwarded to the CRT, they have been joined together, and have been assigned claim number 790656. The Claimant submitted one additional claim, which is registered under the Claim Number 719654. In a determination dated 18 April 2008, the CRT treated the Claimant’s claim to the account of Recha Meyer.

³ In a separate decision, the CRT treated the Claimant’s claim to the account of Kurt Meyer. See *In re Account of Kurt Meyer* (approved on 29 September 2008).

⁴ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Friedrich Mayer appears once, the name Fritz Mayer appears twice, the name Friedrich Meier appears twice, the name Fritz Meier appears once, the name Fritz Meyer appears twice, the name Friedrich Meyer appears five times, and F. Meyer also appears. Upon careful review, the CRT has determined that the other Account Owners are not the same person addressed in the current decision and, consequently, the Claimant did not identify the other account owners as his relative.

Germany, where he owned a textile company with his wife and his brother, [REDACTED]. The Claimant indicated that his uncle and his wife were deported to the ghetto in Lodz, Poland, where they perished in 1943 or 1944.

The Claimant indicated that he was born on 7 September 1919. The CRT notes that the Claimant passed away on 8 April 2002.

Information Available in the Bank's Records

The Bank's records consist of a report from the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation")." According to the auditor's report, the Account Owner was Fritz Meyer, who resided at Henriettenstrasse 5 in Essen-Ruhr, Germany. The auditor's report does not indicate the type of account which the Account Owner held, but that the account was included in the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze"), and that on 16 February 1945 the amount in the account was 356.00 Swiss Francs ("SF"). The auditor's report does not indicate when this account was closed, or to whom it was paid. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the auditor's report that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner.⁵ The CRT notes that the Claimant indicated that his uncle resided in Gelsenkirchen until 1931, when he moved to Cologne, and that the auditor's report indicates that the Account Owner resided in Essen. However, the CRT further notes that Gelsenkirchen is approximately nine kilometers from Essen, and determines that it is plausible that the Claimant's relative may have used an address in Essen, which is a larger city. The CRT further determines that it is plausible that the Account Owner maintained ties with this area after he resided in Cologne, which is only 74 kilometers from Essen.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's uncle's sister-in-law in 1955, which indicates that Friedrich Meyer was born on 16 May 1889 in Gelsenkirchen and was married to [REDACTED], and that they both perished at the ghetto in Lodz, which matches the information

⁵ The CRT notes that Fritz is a variation of the name Friedrich.

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 Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Friedrich 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 supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided either a different country of residence or a city of residence more than 100 kilometers away from the city of residence of the Account Owner. 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 that he and his wife were deported to the ghetto in Lodz, Poland, where they perished in 1943 or 1944. As noted above, a person named Friedrich Meyer 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 biographical information and documents, 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 CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported to the ghetto in Lodz, where he perished; that the account was included in the 1945 Freeze; that there is no record of the payment of the Account

Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumption (h), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was his paternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The Bank's records indicate that the value of the account as of 16 February 1945 was SF 356.00. In accordance with Rule 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account in 1945. Consequently, the adjusted balance of the account is SF 371.00. 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. 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