

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Stephen M. Harnik

**in re Account of Basil Androulis
(Power of Attorney Holder P. Winternitz)¹**

Claim Numbers: 401355/BW; 501344/BW²

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Basil Androulis and Elise Stern.³ This Denial is to the published account of Basil Androulis (the “Account Owner”), over which P. Winternitz (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“the Bank”).

All denials 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 in 2005, asserting that her father’s friend, Basil Androulis, owned a Swiss bank account, over which her father held power of attorney. The Claimant indicated that the Account Owner was an international businessman who was married to a Jewish woman. The Claimant stated that her father’s name was Paul Winternitz and provided his city of residence. The Claimant indicated that she was born on 12 October 1920 in Vienna, Austria.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted an additional claim, which is registered under the Claim Number 501380. The CRT has treated this claim in separate award to the Claimant. See *In re Accounts of Ludwig Stern* (approved on 21 September 2005).

³ The CRT will treat the claim to the account of Elise Stern in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her father's friend, Basil Androulis. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's name matches the name of the Account Owner provided by the Claimant. The Account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5029556

The Bank's records indicate that the Account Owner was Basil Androulis. The Bank's records also indicate that P. Winternitz held power of attorney over this account. Further, the Bank's records indicate the professional title, address and city of residence of the Account Owner as well as the professional title, full name, address, and city of residence of the Power of Attorney Holder. Finally, the Bank's records indicate the date on which power of attorney over the account was granted, and contains the Account Owner's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

Although the first initial and last name of Claimant's father match the published first initial and last name of the Power of Attorney Holder, the CRT notes that the Claimant did not identify the Account Owner as her relative, nor did the Claimant provide a will or other inheritance document from the Account Owner that would demonstrate that she is entitled to the proceeds of the claimed account. The CRT notes that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, although the Claimant may have plausibly identified the Power of Attorney Holder, the Claimant would not be entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision.

Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number which forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
6 May 2006