

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]

in re Account of Paula Arndt

Claim Number: 211479/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Paula (Sara) Arndt.² This Denial is to the published account of Paula Arndt (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 asserting that his mother, Paula Arndt, née Fernheimer, who was born on 13 February 1901 in Wörth am Main, Germany, and was married to [REDACTED] on 20 August 1926 in Wörth am Main, owned a Swiss bank account. The Claimant stated that his mother, who was Jewish, resided in Dresden, Germany until 1940, when she fled Germany to Venezuela. The Claimant further stated that his mother died on 13 June 1990 in Miami, Florida, the United States. The Claimant indicated that he was born on 17 February 1930 in Dresden.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 211478. In separate decisions, the CRT awarded the accounts of Paula Arndt and Curt Arndt to the Claimant. See *In re Account of Paula Arndt* (approved on 27 December 2002) and *In re Account of Curt Arndt* (approved on 14 May 2002).

² The CRT did not locate an account belonging to Sara Arndt in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

³ 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”), Paula Arndt of Dresden, Germany, is indicated as having two accounts. Upon careful review, the CRT has concluded that there are in fact two individuals named Paula Arndt, both residing in Dresden, and that each of them owned one account. The CRT further notes that Curt Arndt was the power of attorney holder to only one of the published accounts and that it was this account which was previously awarded to the Claimant.

The Claimant submitted documents in support of his claim, including his mother's birth certificate, which indicates that her maiden name was Fernheimer.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Paula Arndt. 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, in addition to that account previously awarded to the Claimant, whose owner's name matches that 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 5030276

The Bank's records indicate that the Account Owner was Paula Arndt, who resided in Dresden, Germany. The Bank's records also indicate the Account Owner's street address as well as the name of a power of attorney holder and the date of opening of the account at issue.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents indicate the Account Owner's maiden name and contain the Account Owner's and the power of attorney holder's signatures.

The CRT's Analysis

Admissibility of the Claim

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

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his mother matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his mother's maiden name was Fernheimer. In contrast, the Bank's records show that the Account Owner had a different maiden name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's mother are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on his claim 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
27 February 2007