

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Adolphe Baer
and
Account of Jakob Grünstein
(Power of Attorney Holder Adolf Baer)**

Claim Number: 212671/MG¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Adolf Baer. This Denial is to the published account of Adolphe Baer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Jakob Grünstein (“Account Owner 2”), over which Adolf Baer (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).²

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 great-uncle, Adolf Baer, who was born in 1845 in Miedzyn, Prussia, now Poland, owned a Swiss bank account. The Claimant stated that his relative, who was Jewish, owned businesses in Chemnitz and Dresden, Germany, and that he emigrated to Berlin in 1895. The Claimant did not indicate when his relative died, however he stated that other family members of Adolf Baer perished during the Holocaust. The Claimant indicated that he was born on 18 August 1945 in the United States.

¹ The Claimant submitted additional claims, which are registered under the Claim Numbers 207001, 207713, 209557, 209558, 210304, 210305, 210986, 212673, 205660, 205661, 205662, 210303, 210306, 210308, 210309, 210960, 210984, 210985, 212672, 222901, 222902, 222903, 222904, 222905, 222906, 222907, 222908, 222909 and 210307. The CRT will treat these claims in separate determinations.

² The CRT did not locate an account belonging to Adolf Baer 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”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Adolf Baer. 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 two accounts whose owner's or power of attorney holder's names match that provided by the Claimant. Each 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 5031146

Bank 1's records indicate that Account Owner 1 was Adolphe Baer, who resided in France.³ Bank 1's records also indicate Account Owner 1's place of residence in France.

Account 5034081

Bank 2's records indicate that Account Owner 2 was Jakob Grünstein, who resided in Offenau, Germany, and that the Power of Attorney Holder was Adolf Baer. Bank 2's records also indicate the date on which the power of attorney was granted and contain the signatures of Account Owner 2 and the Power of Attorney Holder.

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 Owners

As for Account 5031146, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his great-uncle is substantially similar to the published first name and matches the published last name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his relative resided in Germany. In contrast, Bank 1's records show that Account Owner 1 resided in France. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

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"), Adolphe Baer is indicated as having a residence in St. Pierre De Semilly, France. Upon careful review, the CRT has concluded that the Bank's records indicate that Adolphe Baer had a different place of residence in France.

As for Account 5034081, the CRT notes that the name of the Claimant's great-uncle matches the name of the Power of Attorney Holder. However, the Claimant did not identify Account Owner 2 or the relationship between Account Owner 2 and the Power of Attorney Holder. The CRT is therefore unable to conclude that the Power of Attorney Holder and the Claimant's relative are the same person. The CRT also notes that the Claimant did not identify Account Owner 2 as his relative, and 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, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 1, as his relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 1 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 Claimant 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 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
9 November 2006