

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Elisheva Ansbacher

in re Accounts of Albert Baer and Accounts of Albert Bär¹

Claim Number: 219501/AH²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Albert Baer (or Bär). This Denial is to the published and unpublished accounts of Albert Baer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Albert Bär (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published account of Albert Baer (“Account Owner 3”) at the [REDACTED] (“Bank 3”), and to the published account of Albert Bär (“Account Owner 4”) at 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 paternal uncle, Albert Baer (or Bär), who was born on 28 December 1871 in Rheinbrohl, Germany, owned a Swiss bank account. The Claimant stated that his uncle was married to [REDACTED] in 1906 in Rheinbrohl, where he resided and worked as a wine salesman. The Claimant indicated that in 1942, his uncle, who was Jewish, was deported to Theresienstadt, where he perished on 28 August 1942. The Claimant indicated that he was born on 22 August 1913 in Rheinbrohl.

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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted an additional claim to the account of Moritz Baer, which is registered under the Claim Number 219500. The CRT will treat the claim to this account in a separate decision.

The Claimant submitted documents in support of his application, including: (1) the Claimant's brother's birth and good-conduct certificates, indicating that his name was also Albert Bär, the family's origin in Rheinbrohl and their Jewish faith; (2) a page of testimony submitted to Yad Vashem regarding the fate of Albert Bär, the Claimant's uncle.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Albert Baer (or Bär). 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 four accounts whose owners' names match that provided by the Claimant. Upon review of the bank documents, the CRT also located an additional account that was not reported by the auditors. 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.

Accounts 1009323 and 1009323.1

Bank 1's records indicate that Account Owner 1 was Albert Baer, who resided in Germany. Bank 1's records also indicate Account Owner 1's additional city and country of residence, as well as information pertaining to changes in Account Owner 1's personal status. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 3019141

Bank 2's records indicate that Account Owner 2 was Albert Bär, who resided in the United States. Bank 2's records also indicate Account Owner 2's additional city and country of residence, and his profession, as well as information pertaining to changes in Account Owner 2's personal status. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

Account 5030096

Bank 3's records indicate that Account Owner 3 was Albert Baer, who resided in Karlsruhe, Germany, and that the Power of Attorney Holders were *Frau* (Mrs.) Bessie Baer-Mark and Fritz Baer. Bank 3's records also indicate Account Owner 3's and the Power of Attorney Holders' street addresses, Account Owner 3's occupation, and one of the Power of Attorney Holders' professional titles. Furthermore, Bank 3's records indicate the date of opening of the account at issue. Finally, Bank 3's records contain the signature samples of Account Owner 3 and the Power of Attorney Holders.

Account 5030279

Bank 3's records indicate that Account Owner 4 was Albert Bär, who resided in Frankfurt am Main, Germany. Bank 3's records also indicate Account Owner 4's street address and the names

of a person who jointly held the account at issue and who appears to be closely related to Account Owner 4. Furthermore, Bank 3's records indicate the date of opening of the account at issue. Finally, Bank 3's records contain the account owners' signature.

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 Accounts 1009323 and 1009323.1, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his uncle resided in and worked in Germany. In contrast, Bank 1's records show that Account Owner 1 also resided in an additional country, which was not identified by the Claimant. Furthermore, the CRT notes that one of the accounts at issue was opened after the Claimant's uncle's death and that the Claimant did not identify information pertaining to the changes in Account Owner 1's personal status. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the accounts to a claimant who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii-org.

As for Account 3019141, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his uncle resided in Germany. In contrast, Bank 2's records show that Account Owner 2 resided in the United States and in an additional country that was not identified by the Claimant. Moreover, the CRT notes that the account at issue was opened after the Claimant's uncle's death. In addition, the Claimant did not identify Account Owner 2's profession and information pertaining to the changes in Account Owner 2's personal status. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Account 5030096, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in the Bank's records. Specifically, the Claimant failed to identify the Power of Attorney Holders *Frau* (Mrs.) Bessie Baer-Mark and Fritz Baer, although they bear the same last name as Account Owner 3. In addition, the Claimant

also failed to identify Account Owner 3's profession. Moreover, the Claimant stated that his uncle resided in Rheinbrohl, Germany. In contrast, Bank 3's records show that Account Owner 3 resided in Karlsruhe, which is located over 200 kilometers away from Rheinbrohl. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's uncle are the same person.

As for Account 5030279, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his uncle matches the published name of Account Owner 4, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 4 available in Bank 3's records. Specifically, the Claimant failed to identify the name of the person who jointly held the account at issue although this person appears to be closely related to Account Owner 4. Moreover, the Claimant stated that his uncle resided in Rheinbrohl, Germany. In contrast, Bank 3's records show that Account Owner 4 resided in Frankfurt am Main, which is located over 130 kilometers away from Rheinbrohl. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's uncle are the same person.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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
13 October 2004