

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Adriana Macció

Claimed Account Owner: Ernst Bauer¹

Claim Number: 211739/MG

This Certified Denial is to the claim of Adriana Macció (the “Claimant”) to a Swiss bank account potentially owned by the Claimant’s relative, Ernst Bauer (the “Claimed Account Owner”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a claim stating that Ernst Bauer, who was Jewish, resided in Stuttgart, Germany and then Genova, Italy until 1939, when he fled to Montevideo. The Claimant further stated that Ernst Bauer died in Montevideo in 1984.

The CRT’s Investigation

The CRT matched the name of Ernst Bauer to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs’ and Heroes’ Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

Information Available Concerning the Account Owner

The CRT has located two accounts where an account owner's name matches the name of the Claimant's relative, Ernst Bauer. The list below contains details of the type of information held about an account owner. The accounts are identified by their Account Identification Number, which is a number assigned to an account for tracking purposes.

Account 1001091

The records indicate that the account owner was Ernst Bauer. The records also indicate the account owner's city and country of residence.

Account 1009403

The records indicate that the account owner was Ernst Bauer, who resided in Germany. The records also indicate the account owner's city of residence and street address.

The CRT's Analysis

Identification of the Account Owners

As for Account 1001091, the CRT concludes that the Claimant has not identified the account owner as her relative. Although the name of the Claimant's relative matches the published name of the account owner, the CRT notes that the information provided by the Claimant differs materially from the information about the account owner contained in the records. Specifically, the Claimant stated that her relative, Ernst Bauer, resided in Germany, Italy and Montevideo. In contrast, the records show that the account owner resided in a city in a different country.

As for Account 1009403, the CRT concludes that the Claimant has not identified the account owner as her relative. Although the name of the Claimant's relative matches the published name of the account owner, the CRT notes that the information provided by the Claimant differs materially from the information about the account owner contained in the records. Specifically, the Claimant stated that her relative, Ernst Bauer resided in Stuttgart, Germany. In contrast, the records show that the account owner resided in a different city in Germany, which is over 150 kilometers from Stuttgart. The CRT notes that the Claimant's relative's city of residence, Stuttgart, is a major urban center and that the account owner's city of residence is significantly smaller, thus rendering it unlikely that a resident of Stuttgart would indicate the account owner's distant city as his place of residence, even for the purposes of maintaining a Swiss bank account.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

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 CRT now considers the Claimant’s claim to the accounts of Ernst Bauer closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 May 2007