

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]¹

in re Account of Johann Becker

Claim Number: 209139/AX

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Johan (Yoihem) Becker (the “Account Owner”) 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 are redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his grandfather, Johan Becker, who was born and lived in Vinnitsa, the Ukraine, owned a Swiss bank account. The Claimant added that he believed that his grandfather, who was Jewish, died in Germany. In a telephone conversation with the CRT on 23 January 2003, the Claimant’s son stated his great-grandfather, Johan Becker, was imprisoned during the Second World War, but had no other connection to Germany. The Claimant indicated that he was born on 10 May 1921 in the Ukraine.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Johan Becker. 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 is substantially similar to 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.

¹ The Claimant’s son, [REDACTED], informed the CRT on 23 January 2003 that his father passed away in April 2002.

Account 5023692

The Bank's records indicate that the Account Owner was Johann Becker, who resided in Hamburg, Germany, and that the Power of Attorney Holder was Fanny Becker. The Bank's records also indicate the Account Owner's relationship to the Power of Attorney Holder and the name of the Account Owner's wife. Furthermore, the Bank's records indicate the date of opening of the account at issue and the date on which the power of attorney form was signed. Finally, the Bank's records 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 Account Owner Johann Becker as his relative. Although the name of his grandfather is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his grandfather lived in the Ukraine and the Claimant's son later informed the CRT that his great-grandfather had no connection to Germany other than his death there. In contrast, the Bank's records show that the Account Owner resided in Hamburg, Germany. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder's name although she appears to be closely related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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
30 September 2004