

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Frau R. Beer

Claim Number: 300298/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Rachel Beer.¹ This Denial is to the published account of Frau R. Beer (the “Account Owner”) at the [REDACTED] (the “Bank”).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 mother, Rachel Beer, née Gruder, who was born on 5 November 1900 in Romania and married Isak Beer in 1924, owned a Swiss bank account. The Claimant stated that his mother, who was Jewish, resided in Czernowitz, Romania (today the Ukraine) until 1941 when the Claimant’s mother was deported to the Mogilev concentration camp. The Claimant stated that his mother died in August 1964 in Tel Aviv, Israel. The Claimant indicated that he was born on 7 October 1925 in Czernowitz.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by Rachel Beer.

¹ The CRT did not locate an account belonging to Rachel Beer 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”).

² In this claim, the Claimant also claimed the account of Isak Beer. The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Rachel Beer. 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 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 5030622

The Bank's records indicate that the Account Owner was Frau R. Beer, who resided in Guebwiller, France.

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 first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his mother resided in Romania. In contrast, the Bank's records show that the Account Owner resided in France. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's mother 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 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
18 April 2006