

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

**in re Account of Anna Berg
and
Account of Friedrich Berg
and
Account of Fritz Berg
and
Account of Heinz Berg
and
Account of H. Berg
and
Account of Oskar Huppert
and
Account of Adolf Gumpert
(Power of Attorney Holder Frieda Gumpert)
and
Account of Gustav Klug
(Power of Attorney Holder H. Berg)¹**

Claim Number: 212059/SJ^{2,3}

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to an account of Leo Salinger.⁴ This Denial is to the published account of Anna Berg (“Account Owner 1”) at

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’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 212059.

³ In a separate decision, the CRT awarded the Claimant the account of Gertrud Gumpert. See *In re Account of Frau Gertrud Gumpert* (approved on 2 January 2003). The CRT notes further that the Claimant submitted a claim to the account of Fritz Gumpert, which appears 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”). Upon careful review, the CRT has concluded that the Bank’s records evidence that Fritz Gumpert was not actually an account owner but, rather, the power of attorney holder to the account of Gertrud Gumpert, referenced above, which has been awarded to the Claimant on 2 January 2003.

⁴ The CRT will treat the claim to this account in a separate determination. In this claim, the Claimant also claimed the accounts of Salomon Salinger, Hermann Salinger, Hildegard Salinger, Isador Salinger, Julius Salinger, Louis

the [REDACTED] (“Bank 1”), to the published account of Friedrich Berg (“Account Owner 2”) at Bank 1, the published account of Fritz Berg (“Account Owner 3”) at Bank 1, the published account of Heinz Berg (“Account Owner 4”) at Bank 1, the unpublished account of H. Berg (“Account Owner 5”) at Bank 1, the published account of Oskar Huppert (“Account Owner 6”) at Bank 1, to the published account of Adolf Gumpert (“Account Owner 7”), over which Frieda Gumpert (“Power of Attorney Holder 1”) held a power of attorney, at the [REDACTED] (“Bank 2”) and to the published account of Gustav Klug (“Account Owner 8”), over which H. Berg (“Power of Attorney Holder 2”) held a power of attorney, at Bank 2.⁵

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 and six binders of supporting documents asserting that his relatives, Anna Berg, Friedrich (Fritz) Berg, Heinz Berg, Oskar Huppert, Adolf Gumpert and Frieda Gumpert, owned Swiss bank accounts.

The Claimant explained that the Berg family, who were Jewish, originated in Berlin, Germany. The Claimant’s maternal aunt by marriage, [REDACTED], née [REDACTED], who provided numerous affidavits in support of the Claimant’s claim, explained that Friedrich (Fritz) Berg was her uncle. [REDACTED] indicated that Fritz Berg was born in Berlin but lived for some time in Breslau, Germany (now Wroclaw, Poland). [REDACTED] also stated that Fritz Berg returned to Berlin Mitte, where he worked as a salesman (*Kaufmann*) and lived on Chorinerstrasse. [REDACTED] stated that she believed that Fritz Berg never obtained any professional university degree. Records submitted by the Claimant indicate that Fritz Berg was born on 23 July 1888 and died in Sachsenhausen concentration camp on 28 May 1942.

In an additional affidavit, [REDACTED] indicated that Heinz Berg was her cousin and that he lived in Breslau. She stated that he was deported to the Buchenwald concentration camp on 9 March 1938, when he was a student in his early 20s. She also indicated that Heinz Berg escaped and, in September 1939, fled to England where he married, worked in the car industry in London

Salinger, Max Salinger, Paul Salinger, Samuel Salinger, Rudolf Salinger, Siegbert Salinger, Wilhelm Salinger, Else Salinger, Rosette Salinger, Baer Salinger, Janette Salinger, Samuel Salinger, Victor Salinger, Mathilde Salinger, Elsa Salinger, Kurt Salinger, Abraham Salinger, Alfred Salinger, Amalie Salinger, Charlotte Salinger, Eduard Salinger, Ella Salinger, Eva Salinger, Gertrude Salinger, Harry Salinger, Ilse Salinger, David Salinger, Heinrich Huppert, Kurt Huppert, Siegfried Huppert, Ernst Huppert, Fritz Huppert, Helene Huppert, Gertrude Huppert, Paul Huppert, Ilse Josephine Huppert, Henry Hans Huppert, Alfred Gumpert, Erich Gumpert, Ewald Gumpert, Georg Gumpert, Hedwig Gumpert, Heinrich Gumpert, Gerda Gumpert, Ernst Gumpert, Eva Gumpert, Fritz Gumpert, Laszlow Spitzer, Ignacz Ziegler, Marianna Dembo, Isaak Kurban, Frederike Kurban, Auguste Kurban, Leo Klemperer, Theresa Klemperer, Otto Klemperer, Karl Berg. The CRT will treat the claims to these accounts in separate determinations.

⁵ The CRT notes that the Claimant also claimed the account of David Salinger-Caspar. The CRT will address the claim to the account of David Salinger-Caspar, which appears on the List of Account Owners Published in 2005, in a separate determination.

and died in London in the 1980s. Additionally, [REDACTED] stated that she believed that Heinz Berg never obtained any professional university degree. Finally, although [REDACTED] acknowledged that she did not recognize other names that appear 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”), documents collected during extensive research conducted by the Claimant and submitted in support of his claim indicates that a person named [REDACTED] was [REDACTED]’s uncle. This research indicates that [REDACTED] and his wife Anna Berg, née Thalmann, who was born on 17 December 1895 and was sent to her death at Majdanek concentration camp on 13 June 1942, lived at Mommsenstrasse 15, Charlottenburg, Berlin.

The Claimant further explained that the Gumpert (Gümpert) family, who were Jewish, also originated in Berlin. The Claimant indicated that Adolf Gumpert was his uncle by marriage, and that he was the brother of [REDACTED], who was married to the Claimant’s father’s sister, [REDACTED], née [REDACTED]. The Claimant indicated that Adolf Gumpert was born on 3 November 1886 and was married to [REDACTED], née [REDACTED]. The Claimant further indicated that Adolf Gumpert lived at Ludwigkirchplatz 121 and that he died in Minsk, Russia on 14 November 1941. The Claimant also stated that Frieda Gumpert, who was born in 1897, was married to [REDACTED], another brother of [REDACTED]. The Claimant indicated that Frieda Gumpert lived at Schonhauseralle 62 and that she died on 15 August 1942 in Riga.

Finally, the Claimant indicated that Oskar Huppert was a relative of his mother’s, [REDACTED], née [REDACTED]. The Claimant indicated that the Huppert family originated in Karlovy Vary (Carlsbad), Prague and Staab (Stod), Czechoslovakia, as well as Breslau and Berlin.

The Claimant submitted documents in support of his application, including: (1) extensive historical research regarding his family, including affidavits containing such items as the birth and death certificates of his family members, as well as other documents pertaining to and describing his family (2) the Claimant’s birth certificate, indicating that he is the son of [REDACTED] and [REDACTED], née [REDACTED]; (3) the birth certificate of the Claimant’s brother, [REDACTED 2], indicating that he is the son of [REDACTED] and [REDACTED], née [REDACTED]; (4) numerous affidavits of the Claimant’s aunt, [REDACTED], née [REDACTED]; (5) and a detailed map of Berlin upon which the addresses of Berg family members have been marked.

The Claimant indicated that he was born on 25 December 1941 in Melbourne, Australia. The Claimant is representing his brother, [REDACTED 2], who was born on 25 July 1946 in Melbourne.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his rights to a Swiss bank account owned by his father, Kurt Salinger. As part of his IQ, the Claimant submitted an affidavit in which he claims a list of other family members from Germany and Poland as relatives of his father. Furthermore, the Claimant has previously enlisted the assistance of the HCPO with regards to his assertion that he is entitled to Swiss bank accounts owned by his relatives.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to his relatives, Anna Berg, Friedrich (Fritz) Berg, Heinz Berg, Oskar Huppert, Adolf Gumpert and Frieda Gumpert. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of ICEP (the "ICEP Investigation") reported seven accounts whose owners' and/or power of attorney holder's names match those 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 1000071

Bank 1's records indicate that Account Owner 1 was Anna Berg, who resided in Germany. Bank 1's records also indicate Account Owner 1's cities of residence and title. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 1000073

Bank 1's records indicate that Account Owner 2 was Friedrich Berg, who resided in Italy. Bank 1's records also indicate Account Owner 2's cities of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 1000074

Bank 1's records indicate that Account Owner 3 was Fritz Berg, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence, title and profession. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 1001459

Bank 1's records indicate that Account Owner 4 was Heinz Berg, who resided in Germany. Bank 1's records also indicate Account Owner 4's city of residence and title. Furthermore, Bank 1's records indicate the dates of closing of the account at issue.

Account 1009732

Bank 1's records indicate that Account Owner 5 was H. Berg and that he jointly held the account with three other persons. Bank 1's records also indicate Account Owner 5's city of residence and his relationship to the joint account owners. Furthermore, Bank 1's records indicate the date of opening of the account at issue.

Account 1008896

Bank 1's records indicate that Account Owner 6 was Oskar Huppert, who resided in Czechoslovakia. Bank 1's records also indicate Account Owner 6's city of residence and an additional city and country where Account Owner 6 resided, including a street address in that

city, and his professional title. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 5026592

Bank 2's records indicate that Account Owner 7 was Adolf Gumpert, who resided in Kassel, Germany, that Power of Attorney Holder 1 was Frieda Gumpert and that there was a second power of attorney holder, Milton Gumpert. Bank 2's records also indicate Account Owner 7's street address and his relationships to the Power of Attorney Holders. Furthermore, Bank 2's records indicate the date upon which the power of attorney form was executed. Finally, Bank 2's records contain Account Owner 7's and Power of Attorney Holder 1's signature.

Account 5029481

Bank 2's records indicate that Account Owner 8 was Gustav Klug and that Power of Attorney Holder 2 was H. Berg. Bank 2's records also indicate the city and country of residence of Account Owner 8. Furthermore, Bank 2's records indicate the year in which the account was opened.

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 1000071, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his relative matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his relative, Anna Berg, née Thalmann, was married to [REDACTED] in 1939. In contrast, Bank 1's records show that Account Owner 1 used the name "Berg" several years before 1939. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Account 100073, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his relative matches the published name of Account Owner 2, the information provided by the Claimant differs from the published and unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his relative lived for a short period of time in Breslau and then on Chorinerstrasse in Berlin. In contrast, Bank 1's records show that Account Owner 2 lived in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's relative are the same person.

As for Account 100074, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his relative matches the published name of Account Owner 3, the information provided by the Claimant differs from the unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that his relative was a salesman who lived for a short period of time in Breslau and then on Chorinerstrasse in Berlin. In contrast, Bank 1's records show that Account Owner 3 held a professional title, practiced a different profession and lived in a different city located over 600 kilometers from Berlin and almost 800 kilometers from Breslau. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's relative are the same person.

As for Account 1001459, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his relative matches the published name of Account Owner 4, the information provided by the Claimant differs from the unpublished information about Account Owner 4 available in Bank 1's records. Specifically, the Claimant stated that his relative lived in Breslau until he was deported to Buchenwald and subsequently escaped to England. In contrast, Bank 1's records show that Account Owner 4 lived in a different city in Germany located over 700 kilometers from Breslau. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's relative are the same person.

As for Account 1009732, the CRT concludes that the Claimant has not identified Account Owner 5 as his relative. Although the name of his relative matches the unpublished name of Account Owner 5, the information provided by the Claimant differs from the unpublished information about Account Owner 5 available in Bank 1's records. Specifically, the Claimant stated that his relative lived in Breslau until he was deported to Buchenwald and subsequently escaped to England. In contrast, Bank 1's records show that Account Owner 5 was from a different country. Furthermore, the Claimant did not identify the other names listed in Bank 1's records. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's relative are the same person.

As for Account 1008896, the CRT concludes that the Claimant has not identified Account Owner 6 as his relative. Although the name of his relative matches the published name of Account Owner 6, the information provided by the Claimant differs from the unpublished information about Account Owner 6 available in Bank 1's records. Specifically, the Claimant stated that his relative's family lived in Karlovy Vary, Prague and Staab, Czechoslovakia, as well as Berlin and Breslau. In contrast, Bank 1's records show that Account Owner 6 lived in a different city in Czechoslovakia, located over 200 kilometers from Prague, over 316 Kilometers from Staab and over 330 kilometers away from Karlovy Vary, and that he had a professional title that was not identified by the Claimant. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's relative are the same person.

As for Account 5026592, the CRT concludes that the Claimant has not identified Account Owner 7 or Power of Attorney Holder 1 as his relatives. Although the name of his relatives match the published names of Account Owner 7 and Power of Attorney Holder 1, the information provided by the Claimant differs from the published and unpublished information about Account Owner 7 and Power of Attorney Holder 1 available in Bank 2's records. Specifically, the Claimant stated that his relative Adolf Gumpert was married to [REDACTED],

née [REDACTED], and that they lived at Ludwigkirchplatz 121 in Berlin. In contrast, Bank 2's records show that Account Owner 7 lived in a different city located over 380 kilometers from Berlin, was married to Power of Attorney Holder 1 and that their son, who was not identified by the Claimant, also held a power of attorney. Consequently, the CRT is unable to conclude that Account Owner 7, Power of Attorney Holder 1 and the Claimant's relatives are the same people.

As for Account 5029481, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 or Account Owner 8 as his relatives. Although the name of his relative matches the published name Power of Attorney Holder 2, the information provided by the Claimant differs from the unpublished information about Power of Attorney Holder 2 available in Bank 2's records. Specifically, the Claimant stated that his relative Heinz Berg lived in Breslau until he was deported to Buchenwald, and then, after his escape, lived in London. In contrast, Bank 2's records show that Power of Attorney Holder 2 was a different gender. Consequently, the CRT is unable to conclude that Power of Attorney Holder 2 and the Claimant's relative is the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 8 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 Power of Attorney Holder 2, but not Account Owner 8, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank 2's records that Power of Attorney Holder 2 and the Account Owner 8 were related.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed this claim carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Anna Berg's surname, which includes Van Den Berg, and has determined that this account does not belong to the Claimant's relative.

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, or the alternative surnames of the Account Owner identified above, 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
21 September 2005