

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Ernst Berger
and
Accounts of Edouard Knecht
(Power of Attorney Holder E. Berger)¹**

Claim Number: 601570/MBC²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Ernesto Berger. This Denial is to the published accounts of Ernst Berger (“Account Owner Berger”) at the [REDACTED] (“Bank 1”),³ and to the published account of Edouard Knecht (“Account Owner Knecht”), over which E. Berger (the “Power of Attorney Holder”) held a power of attorney, at the [REDACTED] (“Bank 2”).^{4, 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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her maternal great-uncle, Ernesto Berger, who was Jewish and was born in Budapest, Hungary, owned a Swiss bank account. The Claimant stated that her great-uncle, together with

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 her relative.

² The Claimant submitted a claim, numbered B-01664, on 13 January 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601570.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Ernst Berger is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

⁴ The CRT did not locate an account belonging to Ernesto Berger, in the Account History Database prepared pursuant to the investigation of the ICEP, 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”).

⁵ In this claim, the Claimant also claimed the account of Eugenio Berger. The CRT will treat the claim to this account in a separate determination.

her grandfather, [REDACTED], owned a furniture store in Fiume, Italy called *Mobilificio de Berger*. The Claimant indicated that her grandfather was in a Swiss refugee camp for one or two years until the end of the Second World War. According to the Claimant, Ernesto Berger died some time after 1945. The Claimant indicated that she was born on 1 December 1956 in Brooklyn, New York, the United States.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ernesto Berger. 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 and one account whose power of attorney holder's name matches that provided by the Claimant. Upon review of the bank documents, the CRT also located one 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.

Account 1001355 and Account 1001355.1

Bank 1's records indicate that Account Owner Berger was Ernst Berger, who resided in Germany. Bank 1's records also indicate Account Owner Berger's city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

Account 5030010

Bank 2's records indicate that Account Owner Knecht was Edouard Knecht and that the Power of Attorney Holder was E. Berger. Bank 2's records also indicate Account Owner Knecht's nationality, his marital status as well as his city and country of residence. Bank 2's records further indicate the name of an individual who jointly owned the account with Account Owner Knecht. Furthermore, Bank 2's records show the Power of Attorney Holder's full first name. The ICEP auditors reported the Power of Attorney Holder's nationality to the CRT.

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 1001355 and 1001355.1, the CRT concludes that the Claimant has not identified Account Owner Berger as her relative. Although the name of her maternal great-uncle matches the published name of Account Owner Berger, the information provided by the Claimant differs from the published information about Account Owner Berger available in Bank 1's records. Specifically, the Claimant stated that her relative was born in Hungary and resided in Italy and that he stayed in Switzerland as a refugee during the Second World War. In contrast, Bank 1's records show that Account Owner Berger resided in Germany. Consequently, the CRT is unable to conclude that Account Owner Berger and the Claimant's great-uncle are the same person.

As for Account 5030010, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her maternal great-uncle matches the published first initial and last name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder submitted to the CRT by the ICEP auditors. Specifically, the Claimant stated that her relative was born in Hungary and resided in Italy, and that he stayed as a refugee in Switzerland during the Second World War. In contrast, the report of the ICEP auditors shows that the Power of Attorney was a national of a country to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's great-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 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 her 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