

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of L. Berliner

Claim Number: 217486/MG

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of L. Berliner (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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, [REDACTED], who was born on 12 August 1901 in Woerth am Main, Germany, and was married to [REDACTED], née [REDACTED], on 2 September 1926 in Bad Windsheim, Germany, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was the owner of two banks in Bad Windsheim, where he resided until 1933. The Claimant also stated that his father was arrested by the Nazis and interned in the Dachau prison camp. According to the Claimant, after his father was released from prison, he was advised of a possible re-arrest and fled Germany via France to the United States, where he resided in New York, New York from 1934 until 1967. The Claimant stated that his father died on 6 July 1981 in Bad Tölz, Germany. The Claimant stated that he was born on 8 February 1929 in Nuremberg, Germany.

The Claimant submitted documents in support of his application, including: (1) a copy of his father’s American passport; and (2) a copy of his father’s death certificate; and (3) a copy of the pages on the Berliner family from a book entitled “*die Juden in Windsheim nach 1871*” (the Jews in Windsheim after 1871), indicating that the Claimant’s father, before he founded his own bank in 1925, learned banking in Aschaffenburg and worked at banks in Nuremberg and Windesheim. According to the Claimant’s submission, in the United States, his father was unable to pursue his profession and worked first at a butcher’s shop and later in a hospital.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ludwig Berliner. 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.

Account 1000121

The Bank's records indicate that the Account Owner was L. Berliner, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence, title and profession. Furthermore, the Bank's records indicate the date of closing of the account at issue.

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 father matches the published first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant indicated that his father was a banker and that he first resided in Nuremberg and later, until 1933, in Bad Windsheim, Germany. In contrast, the Bank's records show that the Account Owner had a different profession. Moreover, he resided in a different city, more than 300 kilometers from Bad Windsheim, to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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
31 March 2005