

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Josef Berman
and
Accounts of Josef Bermann**

Claim Number: 211157/AX^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Josef Berman. This Denial is to the published accounts of Josef Berman (“Account Owner 1”) and Josef Bermann (“Account Owner 2”) at the [REDACTED] (“Bank 1”) and the published accounts of Josef Bermann (“Account Owner 3”) at the [REDACTED] (“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 paternal uncle, Josef Berman (Bermann), who was born in 1895 in Barbovo, Austria-Hungary, owned a Swiss bank account. The Claimant stated that his uncle owned a bakery in Mukacevo, Czechoslovakia (today, the Ukraine). The Claimant further stated that his uncle, who was Jewish, was deported first to the Mukacevo Ghetto and then to Auschwitz, where he perished. The Claimant indicated that he was born on 17 August 1924 in Barbovo.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Wilmos and Serena Berman.

The Claimant submitted documents in support of his application, including his birth certificate.

¹ The Claimant submitted a claim, numbered B-02029, on 20 September 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 600517. The Claimant submitted another Claim Form, which was registered under the Claim Number 211157. The CRT has determined that these two claims are duplicate claims and is treating them under the consolidated Claim Number 211157.

² In this claim, the Claimant also claimed the account of Wilmos Berman and Serena (Sara) Berman. The CRT will treat the claim to these accounts 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, Josef Berman. 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 four accounts whose owners' names match that 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 5024470

Bank 1's records indicate that Account Owner 1 was Josef Berman, who resided in Riga, Latvia. Bank 1's records also indicate Account Owner 1's street address and the name of a person who jointly held the account at issue with Account Owner 1. Furthermore, Bank 1's records indicate the date of opening of the account at issue and contain Account Owner 1's signature.

Account 5034688

Bank 1's records indicate that Account Owner 2 was Josef Bermann, who resided in Austria. Bank 1's records further indicate Account Owner 2's city of residence, and the name of a person who jointly held the account at issue with Account Owner 2.

Accounts 1009362 and 1009363

Bank 2's records indicate that Account Owner 3 was Josef Bermann. Bank 2's records further indicate Account Owner 3's two cities and country of residence and his title.

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

As for Account 5024470, 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 materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his uncle resided in Czechoslovakia. In contrast, Bank 1's records indicate that Account Owner 1 resided in Latvia. Furthermore, the Claimant did not identify the person who jointly held the account at issue with Account Owner 1 and appears to be closely related to him. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has

awarded the account to another claimant who plausibly identified Account Owner 1 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5034688, 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 materially from the published and unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his uncle resided in Czechoslovakia. In contrast, Bank 1's records indicate that Account Owner 2 resided in Austria. Furthermore, the Claimant did not identify the person who jointly held the account at issue with Account Owner 2 and appears to be closely related to him. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Accounts 1009362 and 1009362, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his relative matches to the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his uncle resided in Czechoslovakia. In contrast, Bank 2's records indicate that Account Owner 3 resided in a different country, to which the Claimant established no connection. Furthermore, the Claimant did not identify Account Owner 3's title. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's 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 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 October 2005