

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] and [REDACTED 3]

in re Account of Jean and Genevieve Bernheim

Claim Numbers: 215347/MBC, 215433/MBC

This Certified Denial is based upon the claim of [REDACTED 1], née [REDACTED] (the “Claimant”) to the accounts of Andre Blin and Yvonne Blin, over which Jean Pierre Bernheim held power of attorney.¹ This Denial is to the published account of Jean Bernheim (“Account Owner J. Bernheim”) and Genevieve Bernheim (“Account Owner G. Bernheim”) (together the “Account Owners”) at the Lausanne branch of the [REDACTED] (the “Bank”).²

All awards 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 her entitlement to the accounts of her maternal grandparents, Andre and Yvonne Blin, who resided in Paris, France. In her claim, the Claimant indicated that an individual named Jean Pierre Bernheim may have held power of attorney over their accounts. In additional correspondence with the CRT on 23 September 2003, the Claimant stated that Jean Pierre Bernheim was her grandparents’ friend and was not related to them or to the Claimant. The Claimant was unable to provide any additional information regarding Mr. Bernheim.

The Claimant indicated that she was born on 25 December 1946 in Neuilly sur Seine, France.

¹ In a separate decision, the CRT awarded the accounts of Andre Blin and Yvonne Blin, over which Jean Pierre Bernheim held power of attorney, to the Claimant. See *In re Accounts of Andre Blin and Yvonne Blin* (approved on 31 August 2005). In an additional determination, the CRT treated the Claimant’s claims to the accounts of Jean-Pierre Bernheim. See *In re Accounts of Jean-Pierre Bernheim* (approved on 6 May 2006).

² The CRT notes that, 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”), the name Genevieve Bernheim is not published in connection with this account. Upon careful review, the CRT has concluded that the Account Owners jointly held the account at issue.

Information Available in the Bank's Records

The Bank's records indicate that the Account Owners were Jean Bernheim and his spouse Genevieve Bernheim, née Meyer, who resided in Paris. The Bank's records further indicate that *Mlle.* (Miss) [REDACTED] and *Mlle.* [REDACTED], who were likely minors, held power of attorney over the account through their legal guardian.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Admissibility of the Claims

He CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owners

The CRT notes that although the name of the Claimant's grandparents' friend matches the published name of Account Owner J. Bernheim, the CRT has not reached a decision with respect to whether the Claimant plausibly identified the Account Owners.

The Claimant's Relationship to the Account Owners

In e-mail correspondence to the CRT, dated 23 September 2003, the Claimant stated that she was not related to Account Owner J. Bernheim, but rather that he was a friend of her grandparents. The CRT did not identify Account Owner G. Bernheim as her relative. In the absence of a family relationship between the Claimant and at least one of the Account Owners, or a will or testamentary document indicating that the Claimant is a beneficiary of either of the Account Owners, the Claimant is not entitled to the Account Owners' account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different

outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims 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 Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 October 2007