

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of S. Bernstein

Claim Numbers: 213251/SB; 600573/SB^{1, 2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Solomon (Saul, Solly, Shleyme, Shloyme) Bernstein (Bernshtein, Berman, Bermann, Meirov).³ This Denial is to the published accounts of S. Bernstein (the “Account Owner”) at the [REDACTED] (the “Bank”).⁴

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 her maternal great-grandfather, Solomon Bernstein, who was born in approximately 1870 in Belarus, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her great-grandfather, who was Jewish, was a businessman who resided in Belarus. According to the Claimant, her great-grandfather died in approximately 1938, and her great-grandmother was murdered by the Nazis in 1941 or 1942. The Claimant indicated that she was born on 17 December 1963 in Lvov, the Soviet Union (now the Ukraine).

¹ The Claimant submitted a claim, numbered B-01631, on 23 December 1998, 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 600573.

² According to Article 37 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.

³ The CRT did not locate an account belonging to Solomon (Saul, Solly, Shleyme, Shloyme) Bernstein (Bernshtein, Berman, Bermann, Meirov) in the Account History Database (the “AHD”) prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

⁴ In these claims, the Claimant also claimed the accounts of businesses named *Bernshtein Lyesoprum, Bernstein & Sons* and *Berman & Sons*. The CRT did not locate an account belonging to these businesses in the AHD.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 and a HCPO claim form in 1998, asserting her entitlement to a Swiss bank account owned by Solomon (Shleyme) Bernshtein (Bernstein).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Solomon Bernstein. 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 two accounts whose owner's name matches 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.

Accounts 5029793 and 5033168

The Bank's records indicate that the Account Owner was S. Bernstein, who resided in Stuttgart, Germany. The Bank's records also indicate the Account Owner's gender, marital status and street address. Furthermore, the Bank's records indicate the year of opening and the dates of closing of the accounts at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 her relative. Although the name of her great-grandfather matches the published first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant is claiming the account of her great-grandfather, who resided in Belarus. In contrast, the Bank's records show that the Account Owner was female and resided in Stuttgart, Germany. Consequently, the CRT concludes that the Account Owner and the Claimant's great-grandfather are not 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
3 March 2006