

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1] ,

[REDACTED 2],

and

[REDACTED 3]

in re Accounts of Max Blas

Claim Numbers: 215571/MG; 215582/MG; 215588/MG; 601660/MG^{1, 2, 3}

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published accounts of Max Blas (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 are redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms asserting that their father, Max Blass (Blas), who was born in March 1897 in Hrubieszow, Poland, and was married to [REDACTED], née [REDACTED], in 1920 in Germany, owned a Swiss bank account. The Claimants indicated that they are siblings and the only children of their parents. The Claimants stated that their father, who was Jewish, owned a clothing and shoe store. The Claimants also stated that their father resided from 1933 on ABC Strasse in Wismar, Mecklenburg, Germany, and that in 1940 he fled

¹ Claimant [REDACTED 3] submitted a claim, numbered B-01316, on 16 September 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 601660.

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 four claims of the Claimants in one proceeding.

³ The Claimants submitted Initial Questionnaires with the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 215571, 215582, 215588 and 601660.

from Germany, via the United Kingdom, to the United States. The Claimants stated that their father died on 30 April 1976 in Ramat-Gan, Israel. Claimant [REDACTED 1] indicated that he was born on 19 May 1921 in Wismar, Mecklenburg. Claimant [REDACTED 2] indicated that she was born on 10 March 1927, also in Wismar. Claimant [REDACTED 3] indicated that he was born on 10 March 1923, also in Wismar.

The Claimants previously submitted Initial Questionnaires with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Max Blass.

The Claimants submitted documents in support of their application, including: (1) their father's death certificate; (2) certificates of ancestry (*Abstammungsurkunde*) issued by the German authorities in Wismar, indicating that their parents resided in Wismar; (3) their mother's death certificate; and (4) their father's will.

Claimant [REDACTED 3] also submitted certificates of inheritance (*Erbscheine*), which indicate that the heirs of her mother, [REDACTED], née [REDACTED], are the Claimants and their father.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Max Blass (Blas). 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 Claimants. 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 5027407 and 5034433

The Bank's records indicate that the Account Owner was Max Blas, who resided in Germany. The Bank's records also indicate the Account Owner's street address, profession and the full name, including the maiden name, of the Account Owner's spouse. Furthermore, the Bank's records indicate the dates of opening and closing of one of the accounts at issue. Finally, the Bank's records contain the Account Owner's and his spouse's signature samples.

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 Claimants have not identified the Account Owner as their relative. Although the name of their father matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their father was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records show that the Account Owner was married to someone else. The Claimants stated that their father owned a clothing and shoe store. In contrast, the Bank's records show that the Account Owner had a different profession. Finally, the Claimants stated that their father resided in Wismar, Mecklenburg, Germany until he fled Germany. In contrast, the Bank's records show that the Account Owner resided in a different city in Germany, which is more than 500 kilometers away from Wismar. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' father are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 September 2004