

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Henry Carlen

in re Accounts of Max Cohn

Claim Number: 206196/MG¹

This Certified Denial is based on the claim of Henry Carlen (the Claimant) to an account of Max Cohn. This Denial is to the published accounts of Max Cohn (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, Max Cohn, who was born on 23 March 1888 in Alt Karbe, Germany, and was married to Marianna Cohn, née Bergen, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was the sales representative of *Herzfeld & Co.*, a clothing trade company of menswear, in Berlin, Germany. The Claimant stated that his father resided at Walderseestrasse 22 in Berlin (Lichtenberg-Friedrichsfelde). The Claimant stated that in December 1941, the Nazis deported his father to Riga, Latvia, where he was killed. The Claimant indicated that he was born on 1 October 1922 in Eisleben, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Max Cohn.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Max Cohn. 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”

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 206196.

or the “ICEP Investigation”) reported two accounts whose owner’s name matches that provided by the Claimant.

Accounts 5024859 and 5033391

The Bank’s records indicate that the Account Owner was Max Cohn, who resided in Berlin, Germany. The Bank’s records also indicate the name and maiden name of the Account Owner’s spouse, the Account Owner’s street address and the Account Owner’s title and the name of the Power of Attorney Holder. Furthermore, the Bank’s records indicate the dates of opening and closing of the accounts at issue. Finally, the Bank’s records contain the Account Owner’s signature.

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 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 stated that his father was married to Marianne Cohn, née Bergen. In contrast, the Bank’s records show that the Account Owner’s spouse had a different first and maiden name. The Claimant also provided his father’s street address in Berlin. In contrast, the Bank’s records show that the Account Owner resided at a different street address in Berlin. Furthermore, the Claimant stated that his father was a sales representative. In contrast, the Bank’s records show that the Account Owner had a title, which was not identified by the Claimant. 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
19 November 2004