

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Michael Weil

**in re Account of Rebekka Cohn  
(Power of Attorney Holder Sara Weil)<sup>1</sup>**

Claim Number: 000008/NP<sup>2</sup>

This Certified Denial is based on the claim of Michael Weil (the “Claimant”) to the published account of Sara Weil. This Denial is to the published account of Rebekka Cohn (the “Account Owner”), over which Sara Weil (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“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’s paternal cousin, Sara Weil, who was born in Lucerne, Switzerland, and was never married, owned a Swiss bank account. The Claimant indicated his cousin, who was Jewish, lived in Gailingen, Germany, from 1918 to 1945. The Claimant further indicated that his father, who also lived in Gailingen, never saw his cousin again after the Second World War and believed that she and the rest of her family perished in the Holocaust. The Claimant indicated that he was born on 27 December 1948 in Israel.

The Claimant previously submitted Initial Questionnaires to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Sara Weil.

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<sup>1</sup> The CRT notes that Sara Weil was published on the February 2001 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”) as an Account Owner. After careful review of the Bank’s records, the CRT has found that Sara Weil was actually a Power of Attorney Holder to the account of Rebekka Cohn.

<sup>2</sup> The Claimant submitted an ATAG Ernst & Young claim form (“ATAG Form”) to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”) in 1998, an Initial Questionnaire to the Court in the United States in 1999, and a Claim Form to the CRT. The CRT is treating the ATAG Form, the Initial Questionnaire, and the Claim Form under the consolidated Claim Number 000008.

## **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Sara Weil. 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 one account whose power of attorney holder's name matches that provided by the Claimant. The 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 2016071

The Bank's records indicate that the Account Owner was Rebekka Cohn, who resided in Gailingen, Germany, and that the Power of Attorney Holder was Sara Weil, who also resided in Gailingen. The Bank's records also indicate the Account Owner's marital status and street address and the Power of Attorney Holder's marital status and city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue and the names and cities of residence of two additional power of attorney holders. Finally, the Bank's records contain the Account Owner's and one power of attorney holder's signatures.

## **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 plausibly identified Power of Attorney Holder Sara Weil as his relative. The Claimant's cousin's name and city of residence match the published name and city of residence of the Power of Attorney Holder.

However, the CRT concludes that the Claimant has not identified Account Owner Rebekka Cohn as his relative. The Claimant did not indicate that he had a family member whose name matches that of the Account Owner. The CRT notes that, under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, because the Claimant has plausibly identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant is not entitled to the account since there is no evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

### 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 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  
29 December 2005