

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Irene Ezratty-Farhi

**in re Account of Gertrude Deutsch
(Power of Attorney Holder Max Deutsch)**

Claim Number: 000066/MG

This Certified Denial is based on the claim [REDACTED] (the “Claimant”) to accounts of Gertrude (Gusta) Deutsch, Max Deutsch, Yety Lexer, née Oelgisser, and *Bank Oelgisser*. The CRT did not locate an account belonging to Gusta Deutsch, Max Deutsch, Yety Lexer, née Oelgisser, or *Bank Oelgisser* in the Account History Database 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 Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published account of Gertrude Deutsch (the “Account Owner”) over which Max Deutsch held Power of Attorney (the “POAH”), 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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his maternal uncle’s spouse, Gertrude (Gusta) Deutsch, who was born in 1895 in Livika, Austro-Hungary, owned a Swiss bank account, and that her spouse, Max Deutsch, who was his maternal uncle and who was born in 1890, was a power of attorney holder to that account. The Claimant indicated that his mother, [REDACTED], née [REDACTED], and his uncle were co-owners of an international bank named *Bank Oelgisser*. The Claimant further stated that his aunt and uncle, who were Jewish, resided in Livika, and that they perished during the Holocaust. Furthermore, the Claimant indicated that he himself was born on 7 July 1907 in Cernowitz, Romania.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Gertrude and Max Deutsch. The auditors who carried out the ICEP Investigation reported one account whose owner's and power of attorney holder's names match those 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 5024465

The Bank's records indicate that the Account Owner was Gertrude Deutsch, who resided in Vienna, Austria, and that the Power of Attorney Holder was Max Deutsch. The Bank's records also indicate the Account Owner's street address, her marital status, her maiden name and the Power of Attorney Holder's street address and city of residence. Furthermore, the Bank's records indicate the date on which the power of attorney was granted, and contain both the Account Owner's and the 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified either the Account Owner or the Power of Attorney Holder as his relative. Although the names of his aunt and uncle match the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner and the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his aunt was married to Max Deutsch. In contrast, the Bank's records show that the Account Owner had a different relationship to the Power of Attorney Holder. In addition, the Claimant stated that his relatives resided in Livika, Austro-Hungary. In contrast, the Bank's records indicate that the Account Owner resided in Vienna, Austria. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt, or the Power of Attorney Holder and the Claimant's uncle, are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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
10 August 2005