

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Gertrude Deutsch
(Power of Attorney Holder Max Deutsch)¹**

Claim Number: 207011/AV^{2, 3}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Max Deutsch. This Denial is to the published account of Gertrude Deutsch (the “Account Owner”), over which Max Deutsch (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).^{4, 5}

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-uncle, Max Deutsch, who was born on 23 March 1864 in Senica, Austria-Hungary (today Slovakia), and was married to [REDACTED], née [REDACTED], was a power of attorney holder to a Swiss bank account. According to the Claimant, her great-uncle, who was Jewish, resided in Olomouc,

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted two additional claims to the accounts of Fritz Deutsch, Pinkas Paul Deutsch, and Heinrich Deutsch, which are registered under the Claim Numbers 207010 and 600276. In a separate decision, the CRT awarded the accounts of Fritz Deutsch to the Claimant. See *In re Accounts of Fritz Deutsch* (approved on 11 May 2005). The CRT will treat the claims to the accounts of Paul Deutsch and Heinrich Deutsch in separate determinations.

³ 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 207011.

⁴ The CRT did not locate an account belonging to Max Deutsch 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”).

⁵ In this claim, the Claimant also claimed the account of Fritz Deutsch. As noted above, the CRT awarded the accounts of Fritz Deutsch to the Claimant in a previous decision.

Czechoslovakia (today the Czech Republic). The Claimant stated that her great-uncle acted as an advisor to his son, Fritz Deutsch, who owned a chocolate factory in Olomouc and a leather business in Vienna, Austria. The Claimant indicated that she was born on 23 January 1929 in Mošovce, Czechoslovakia (today Slovakia).

The Claimant submitted documents in support of her claim, including her great-uncle's birth certificate, identifying him as Max Deutsch and indicating that he was born on 23 March 1864 in Senica.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account over which her relative, Max Deutsch, held power of attorney. 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 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 marital status, street address and the Power of Attorney Holder's city and country of residence and street address. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed. Finally, the Bank's records contain 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her great-uncle matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her great-uncle resided in Czechoslovakia. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different country. Moreover, the CRT notes that the Claimant did not identify the Account Owner, although it appears from the

Bank's records that the Account Owner and the Power of Attorney Holder were closely related. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's great-uncle are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as her relative, and 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, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as her relative, the Claimant would not have been entitled to the account unless there was 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 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
23 February 2006