

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2] and [REDACTED 3]

**in re Account of Adolf Faerber and Berta Faerber
(Power of Attorney Holder Hans Ludwig Chrambach)¹**

Claim Number: 300197/MG

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published account of Ludwig Chrambach. This Denial is to the published account of Adolf Faerber (“Account Owner Adolf Faerber”) and Berta Faerber (“Account Owner Berta Faerber”) (together the “Account Owners”), over which Hans Ludwig Chrambach (the “Power of Attorney Holder”) held power of attorney, 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 paternal grandfather, Lincoln Crane, formerly Hans Ludwig Chrambach, who was born on 9 January 1889 in Breslau, Germany (now Wroclaw, Poland), and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his grandfather, who was Jewish, resided in Breslau. According to the Claimant, his grandfather was a businessman, who was the general manager of a wood import/export business, named *Fischer & Chrambach AG*, which was located in Berlin, Germany. The Claimant stated that his grandfather fled from Germany to Cuba in approximately 1934. The Claimant further stated that his grandfather then emigrated to the United States in 1936, where he resided in Miami, Florida, until his death on 9 March 1982. In a telephone conversation with the CRT on 25 January 2005, the Claimant was asked about any relationship between his grandfather and anyone with the surname Faerber. After consulting with his aunt, [REDACTED 3], the daughter of Ludwig Chrambach, the Claimant indicated that the only

¹ The CRT notes that Ludwig Chrambach 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 Ludwig Chrambach was actually a Power of Attorney Holder to the account of Adolf Faerber and Berta Faerber and that his full name was Hans Ludwig Chrambach.

known relationship was to a woman named [REDACTED], who was a very good friend of the Claimant's grandfather. The Claimant indicated that he was born on 5 August 1965 in Hamburg, Germany.

The Claimant submitted documents in support of his application, including: (1) his father's birth certificate, which indicates that his father was born in Breslau and that his father's father was Hans Ludwig Chrambach; (2) his own birth certificate; (3) his grandfather's death certificate; and (4) an extract from a handbook of German limited share companies, which indicates that his grandfather's company, *Fischer & Chrambach AG*, was located in Breslau and had its office in Berlin.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hans Ludwig Chrambach. 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 5034379

The Bank's records indicate that the Account Owners were Adolf Faerber and Berta Faerber, who resided in Breslau, Germany, and that the Power of Attorney Holder was Hans Ludwig Chrambach. The Bank's records also indicate the Power of Attorney Holder's city of residence, street address and profession, and Account Owner Berta Faerber's maiden name. Furthermore, the Bank's records indicate the date on which the Account Owners granted the power of attorney. Finally, the Bank's records contain the Account Owners' 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 Owners and the Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holder. His grandfather's name matches the published name of the Power of Attorney Holder. The Claimant also identified information about his grandfather that matches unpublished information about the Power of Attorney Holder contained in the Bank's records. The Claimant stated that his grandfather's business was located in Berlin, Germany, which matches published information about the Power

of Attorney Holder contained in the Bank's records. However, the CRT notes that the Claimant did not identify either of the Account Owners.

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. In this case, the Claimant identified the Power of Attorney Holder to the account at issue, but not the Account Owners, as his relatives. Moreover, even after the Claimant was asked about any relationship between his grandfather and anyone with the surname Faerber, he was not able to identify the Account Owners, or any person with that surname, as his relative. Therefore, as there is no evidence in the Bank's records that the Power of Attorney Holder and the Account Owners are related, the Claimant is not entitled to the account.

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 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
30 November 2005