

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Max Schneider

**in re Accounts of Hanna Ferchland  
(Power of Attorney Holder Robert Schneider)**

Claim Number: 401620/MG<sup>1</sup>

This Certified Denial is based on the claim of Max Schneider (the “Claimant”) with respect to the 2005 published power of attorney holder Robert Schneider. This Denial is to the published account of Hanna Ferchland (the “Account Owner”), over which Robert Schneider (the “Power of Attorney Holder”) held power of attorney, 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 in 2005, asserting that his brother, Robert Schneider, who was born on 25 March 1936, owned a Swiss bank account. The Claimant stated that his brother, who was Jewish, resided in Vienna, Austria, and that he was deported to Riga, Latvia, in 1942. According to information provided by the Jewish Community of Vienna, there are no records to indicate that Robert Schneider survived and returned from Riga. The Claimant indicated that he was born on 4 December 1921 in Vienna.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Robert Schneider. 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.

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<sup>1</sup> The Claimant submitted two additional claims, which are registered under the Claim Numbers 401616 and 401619. The CRT will treat these claims in separate determinations.

## Account 5034151

The Bank's records indicate that the Account Owner was Hanna Ferchland and that the Power of Attorney Holder was Robert Schneider. The Bank's records also indicate the Account Owner's city and country of residence and the Power of Attorney Holder's profession, street address, city and country of residence. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain the signatures of the Account Owner and the Power of Attorney Holder.

## **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 his relative. Although the name of his brother matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his brother was born on 25 March 1936. The Bank's records, however, show that the Power of Attorney Holder held power of attorney prior to this date. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's brother are the same person. In addition, the CRT notes that the Claimant did not identify the Account Owner as his 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 his 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 and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **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  
23 March 2007