

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Ernest Frank  
and  
Account of E. Frank**

Claim Number: 600643/AV<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Ernst Siegmund Frank. This Denial is to the published account of Ernest Frank (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of E. Frank (“Account Owner 2”) at the [REDACTED] (“Bank 2”).<sup>2</sup>

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 owners, and the banks have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Ernst Siegmund Frank, who was born on 14 April 1891 in Landau, Germany, and was married to [REDACTED], née [REDACTED], on 8 May 1925, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a banker and resided in Berlin, Germany. According to the Claimant, her father fled from Germany to various places in Europe. The Claimant stated that her father resided in Paris, France in 1934, in San Remo, Italy in 1936, in Switzerland for three months in 1937, in Antwerp, Belgium in 1938, and that he resided in Amsterdam, Holland from 1940 until his deportation to the Westerbork concentration camp in 1941. The Claimant indicated that her father perished at Auschwitz in 1943. The Claimant indicated that she was born on 6 May 1929 in Berlin.

---

<sup>1</sup> The Claimant submitted a claim, numbered B-01036, on 12 June 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600643.

<sup>2</sup> The CRT did not locate an account belonging to Ernst Siegmund Frank 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”).

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ernst Siegmund Frank. The Claimant submitted documents in support of her application, including her birth certificate, identifying her father as Ernst Frank and indicating that he resided in Berlin.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ernst Frank. 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 three accounts whose owners' names match that provided by the Claimant. Each 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 1008792 and Account 1008793

Bank 1's records indicate that Account Owner 1 was Ernest Frank, who resided in the Netherlands. Bank 1's records also indicate Account Owner 1's city of residence and a second city and country of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

#### Account 5030312

Bank 2's records indicate that Account Owner 2 was E. Frank, who resided in Mainz, Germany. Bank 2's records also indicate Account Owner 2's title. Furthermore, Bank 2's records indicate the date of opening of the account at issue.

### **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

As for Account 1008792 and Account 1008793, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her father resided in the Netherlands from 1940 until his deportation to the Westerbork concentration camp in 1941. In contrast, Bank 1's records show that although Account Owner 1 resided in the Netherlands, the accounts at issue were both opened with that country of residence several years before 1940. Moreover, the CRT notes that Bank 1's records

indicate that Account Owner 1 had a second city of residence, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5030312, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published first name initial and last name of Account Owner 2, the information provided by the Claimant differs from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Berlin. In contrast, Bank 2's records show that Account Owner 2 resided in Mainz, which is more than 450 kilometers from Berlin, and to which the Claimant established no connection. Moreover, the CRT notes that the Claimant did not identify the title of Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

### 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  
30 September 2005