

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Walter Freund
and
Account of Helene Levy
and
Account of Helene Levy
(Power of Attorney Holder Otto Levy)
and
Account of Otto Levy
(Power of Attorney Holders Helene Levy and Leo Levy)¹**

Claim Number: 219763/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Walter Freund, Helene Freund, née Levy, and the business *Friedrich and Samuel Freund*. The CRT did not locate an account belonging to Helene Freund or *Friedrich and Samuel Freund* 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 accounts of two individuals named Walter Freund (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”), to the published account of Walter Freund (“Account Owner 3”) at the [REDACTED] (“Bank 2”), and to the published account of Helene Levy (“Account Owner 4”), the published account of Helene Levy (“Account Owner 5”), over which Otto Levy held power of attorney, and the published account of Otto Levy (“Account Owner 6”), over which Helene Levy and Leo Levy held power of attorney, all at the [REDACTED] (“Bank 3”).

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.

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 substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² 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 219763.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his grandmother, Helene Freund, née Levy, who was born on 5 June 1872, and his uncle, Walter Freund, who was born on 6 July 1896 in Krefeld, Germany, owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, was married to [REDACTED], with whom she had two children, [REDACTED] and [REDACTED]. In addition, the Claimant stated that his grandmother resided in Krefeld. The Claimant further stated that his grandmother was deported to Theriesenstadt in 1942, and that she perished in Auschwitz in 1945. The Claimant continued that his uncle was a salesman, who inherited the business *Friedrich and Samuel Freund*, in Krefeld, from his father. In a telephone conversation with the CRT on 5 May 2005, the Claimant further stated that, although his uncle attended business high school, he never attended university or attained any higher academic qualifications. The Claimant continued that, in January 1939, his uncle emigrated to Uruguay, where he died on 11 March 1984. The Claimant indicated that he was born on 10 September 1921 in Krefeld.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Helene Freund, née Levy.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to his relatives, Helene Freund, née Levy, and Walter Freund. The auditors who carried out the ICEP Investigation reported six accounts whose owners' or power of attorney holder's names match those 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 1000606

Bank 1's records indicate that Account Owner 1 was Walter Freund, who resided in Germany. Bank 1's records also indicate Account Owner 1's title.

Account 1000607

Bank 1's records indicate that Account Owner 2 was Walter Freund, who resided in Germany. Bank 1's records also indicate Account Owner 2's title, city of residence, and a second city and country of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 4019952

Bank 2's records indicate that Account Owner 3 was Walter Freund, who resided in Berlin, Germany. Bank 2's records also indicate Account Owner 3's title, and the dates of opening and closing of the account at issue.

Account 5035816

Bank 3's records indicate that Account Owner 4 was Helene Levy, who resided in Bischwiller, France. Bank 3's records also indicate Account Owner 4's title, and the year in which the account was opened.

Account 5024351

Bank 3's records indicate that Account Owner 5 was Helene Levy, who resided in Kaiserslautern, Germany, and that the Power of Attorney Holder was Otto Levy. Bank 3's records also indicate Account Owner 5's street address, marital status, the name of Account Owner 5's husband, her relationship to Power of Attorney Otto Levy and the street address, city and country of residence for Power of Attorney Holder Otto Levy. Furthermore, Bank 3's records indicate the year in which the account was opened. Finally, Bank 3's records contain Account Owner 5's and Power of Attorney Holder Otto Levy's signatures.

Account 5023855

Bank 3's records indicate that Account Owner 6 was Otto Levy, who resided in Kaiserslautern, Germany, and that the Power of Attorney Holders were Helene Levy and Leo Levy. Bank 3's records also indicate Account Owner 6's street address, and her relationship to Power of Attorney Holders Helene Levy and Leo Levy. Bank 3's records also show the name of Power of Attorney Holder Helene Levy's husband. Furthermore, Bank 3's records indicate the year in which the account was opened. Finally, Bank 3's records contain Account Owner 6's and Power of Attorney Holder Helene Levy and Otto Levy'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 Owners

As for Account 1000606, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle 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, although his uncle attended business high school, he never attended university or attained any higher academic qualification. In contrast, Bank 1's records show that Account Owner 1 used a professional title bestowed on individuals who completed such advanced studies. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has located another claimant, who plausibly identified Account Owner 1 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 1000607, the CRT concludes that the Claimant has not identified Account

Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that, although his uncle attended business high school, he never attended university or attained any higher academic qualification. In contrast, Bank 1's records show that Account Owner 2 used a professional title bestowed on individuals who completed such advanced studies. In addition, the Claimant stated that his uncle lived in Krefeld, Germany, prior to emigrating to Uruguay in 1939. In contrast, Bank 1's records show that Account Owner 2 resided in another city in Germany, located approximately 250 kilometers from Krefeld. Finally, Bank 1's records also indicate another city and country of residence for Account Owner 2, which the Claimant did not identify, and to which he established no connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Account 4019952, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his uncle lived in Krefeld, Germany, prior to emigrating to Uruguay in 1939. In contrast, Bank 2's records show that Account Owner 3 resided in Berlin, Germany, which is located approximately 500 kilometers from Krefeld. Further, the Claimant stated that his uncle never attended university or attained any higher qualification. In contrast, Bank 2's records show that Account Owner 3 used a professional title bestowed on individuals who completed such advanced studies. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's uncle are the same person.

As for Account 5035816, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his grandmother matches the published name of Account Owner 4, the information provided by the Claimant differs from the published information about Account Owner 4 available in Bank 3's records. Specifically, the Claimant stated that his grandmother resided in Krefeld, Germany. In contrast, Bank 3's records show that Account Owner 4 resided in Bischwiller, France, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's grandmother are the same person.

As for Account 5024351, the CRT concludes that the Claimant has not identified Account Owner 5 as his relative. Although the name of his grandmother matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 5 available in Bank 3's records. Specifically, the Claimant stated that his grandmother was married to [REDACTED], and that she resided in Krefeld, Germany. In contrast, Bank 3's records show that Account Owner 5 was married to a different person, and that she resided in Kaiserslautern, Germany, which is located approximately 250 kilometers from Krefeld. The CRT also notes that the Claimant failed to identify Power of Attorney Holder Otto Levy, even though he appears to be related to Account Owner 5. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 5 as her

relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5023855, the CRT concludes that the Claimant has not identified Power of Attorney Holder Helene Levy as his relative. Although the name of his grandmother matches the published name of Power of Attorney Holder Helene Levy, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder Helene Levy available in Bank 3's records. Specifically, the Claimant stated that his grandmother was married to [REDACTED], and that she resided in Krefeld, Germany. In contrast, Bank 3's records show that Power of Attorney Holder Helene Levy was married to a different person, and that she resided in another German city, which is located approximately 250 kilometers from Krefeld. Further, the CRT notes that the Claimant failed to identify Account Owner 6, even though he appears to be related to Power of Attorney Holder Helene Levy. Consequently, the CRT is unable to conclude that Power of Attorney Holder Helene Levy and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified both Account Owner 6 and Power of Attorney Holder Helene Levy as her relatives. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
15 July 2005