

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Anna Friedmann
(Power of Attorney Holder Ignacz Weiss)¹**

Claim Number: 211856/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Ignacz Weisz (Weiss).³ This Denial is to the published accounts of Anna Friedmann (the “Account Owner”), over which Ignacz Weiss (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 her father, Ignacz Weiss, who was born in 1906 in Balassagyarmat (today Hungary), and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a shoemaker who resided in Balassagyarmat. The Claimant further stated that the family was deported in 1944 first to a ghetto and then to Auschwitz, where her father perished. The Claimant indicated that she was born on 7 July 1930 in Balassagyarmat.

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 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 211856. In the Initial Questionnaire, the Claimant claimed an account belonging to Gaza Weiss. The CRT will treat the claim to this account in a separate determination.

³ The CRT did not locate an account belonging to Ignacz Weisz (Weiss) 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”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ignacz Weiss. 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 two accounts whose power of attorney holder's name matches 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.

Accounts 5029748 and 5033470

The Bank's records indicate that the Account Owner was Anna Feldman, who resided in Budapest, Hungary, and that the Power of Attorney Holder was Ignacz Weiss. The Bank's records also indicate the Account Owner's street address in Budapest, her relationship to the Power of Attorney Holder, and the Power of Attorney Holder's street address, city and country of residence. Furthermore, the Bank's records indicate the name of a second power of attorney holder and the date of closing of the accounts at issue. Finally, the Bank's records contain the signatures of the Account Owner and both power of attorney holders.

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 father 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 her father resided in Balassagyarmat until his deportation in 1944. In contrast, the Bank's records show that the Power of Attorney Holder provided a street address for a residence in another city, which approximately 100 kilometers from Balassagyarmat and which the Claimant did not identify. Further, the CRT also notes that the Claimant did not identify the Account Owner, even though this person was a close family member of the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

It is further noted 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 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 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 March 2007