

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Ben-Ami Altaratz

**in re Account of Mathilde Fürst
(Power of Attorney Holder Bertha Hirschmann)¹**

Claim Number: 223081/CN²

This Certified Denial is based on the claim of Ben-Ami (formerly Gibor) Altaratz (the “Claimant”) to the published accounts of Bertha Hirschmann.³ This Denial is to the published account of Mathilde Fürst (“Account Owner”), over which Bertha Hirschmann (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, asserting that his maternal grandmother, Bertha Hirschmann, née Kauffmann, who was born in approximately in 1878 in Austria, and was married to Ludwig Hirschmann, who was born in approximately 1870, owned a Swiss bank account.

The Claimant stated that his grandmother’s family was from Vienna, and that his grandmother, who was Jewish, lived in Austria for an unknown period of time before moving to Prijedor, Yugoslavia (now Bosnia-Herzegovina), where she managed a pharmacy with her husband, Ludwig Hirschmann. The Claimant further stated that, at an unknown time, other members of the Kauffmann family, including his maternal great-grandparents, moved to Prague, Czechoslovakia (now the Czech Republic), where they operated an automobile tire company. The Claimant explained that members of his family told him that his family in Prague opened Swiss bank accounts using the names of various family members, and that it is therefore likely

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 those of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted four additional claims to the account of Regina Kauffmann, Fritz Kaufmann, Ida Kaufmann, and Olga Bodo, which are registered under the Claim Numbers 223080, 400946, 400953, and 400956, respectively. The CRT will treat the claims to these accounts in separate determinations.

³ The CRT has issued separate decisions for these two accounts. One account was awarded to the Claimant. See *In re Accounts of Bertha Hirschmann* (approved on 7 August 2003). A second account was denied in another decision. See *In re Accounts of Bertha Hirschmann* (approved on 30 December 2004). The Claimant has appealed this denial.

that an account was opened in his grandmother's name. The Claimant stated that his grandmother perished during the Second World War in approximately 1943. The Claimant further stated that his grandfather Ludwig Hirschmann died in 1951.

In support of his claim, the Claimant submitted his birth certificate indicating that he was born Gibor Altarac and that his mother's maiden name was Hirschmann. The Claimant explained that Altaratz is the English spelling of the Croatian name Altarac. In addition, the Claimant submitted official documents from Israel, indicating that he changed his first name from Gibor to Ben-Ami, and a photograph of his grandmother and her family from the 1920s. The Claimant indicated that he was born on 11 June 1947 in Zagreb, Yugoslavia (now Croatia).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Bertha Hirschmann. 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 and two accounts whose owner's name matches that provided by the Claimant.⁴ The account at issue here is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5023733

The Bank's records indicate that the Account Owner was Mathilde Fürst, who resided in Vienna, Austria, and that the Power of Attorney Holder was Bertha Hirschmann, who also resided in Vienna. The Bank's records also indicate the Account Owner's and the Power of Attorney Holder's street addresses and titles, and contain their 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 Owner and the Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holder. His grandmother's name matches the published name of the Power of Attorney Holder. The Claimant identified his grandmother's city of residence, Vienna, which matches unpublished information contained in the Bank's records about the Power of Attorney Holder's residence, and published information about the Account Owner's residence. The CRT concludes, however, that the Claimant has not

⁴ As noted above, the CRT has already issued decisions for these two accounts.

identified the Account Owner as his relative. The Claimant did not identify the Account Owner's name, and did not indicate that she was his relative.

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. 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

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 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
31 December 2005