

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of E. Gans

Claim Number: 600222/WM¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Rosa (Rosel) Marcus, née Schulhaus, Adolf Schulhaus and Emma Gans. The CRT did not locate an account belonging to Rosa (Rosel) Marcus, Adolf Schulhaus or Emma Gans 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 account of E. Gans (the “Account Owner”) 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 to the Holocaust Claims Processing Office (“HCPO”) in 1999 asserting that Professor Emma Gans, owned a Swiss bank account and made provisions for the Claimant, who is Jewish, to receive the proceeds when the Claimant attained the age of twenty-one. The Claimant indicated that he was born on 27 October 1921 in Frankfurt, Germany. The Claimant did not provide any additional information about Emma Gans or the account she owned.

Information Available in the Bank’s Record

The CRT notes that the Claimant submitted a claim to an account belonging to Emma Gans. The auditors who carried out the ICEP Investigation reported one account whose owner's name

¹ The Claimant submitted a claim, numbered B-01788, on 26 April 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT. The Claimant submitted an Initial Questionnaire (“IQ”) with the Court in 1999. The CRT is treating the HCPO claim and the IQ under the consolidated Claim Number 600222.

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.

Account 1011220

The Bank's record indicates that the Account Owner was E. Gans, who resided in Germany. The Bank's record also indicates the Account Owner's city of residence, the name of another account owner and the dates of opening and closing 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.

Identification of the Account Owners

The CRT concludes that the Claimant has not identified the Account Owner. The information provided by the Claimant differs from the unpublished information about the Account Owner available in the Bank's record. Specifically, the Claimant indicated that Emma Gans was a professor. In contrast, the Bank's record shows that the Account Owner held no professorial title. The CRT also notes that the Claimant failed to identify an additional person listed in the Bank's record as an account owner for this account, although that person has the same last name as the Account Owner. Furthermore, the CRT notes that according to the Claimant, Emma Gans made provisions for the Claimant to receive the proceeds of the account when the Claimant attained the age of twenty-one. The Bank's record, however, does not indicate that anyone other than the Account Owner and the person recorded as joint owner of the account had any entitlement to the assets in the account. Consequently, the CRT is unable to conclude that the Account Owner and the individual identified by the Claimant are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant who plausibly identified the Account Owner as his relative. 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 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
21 September 2005