

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Elisabeth Gerber**

Claim Number: 224002/SB<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Ute (Betta, Elisabeth) Eisenberg, née Gerber.<sup>2</sup> This Denial is to the published account of Elisabeth Gerber (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>3</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 owner, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that her paternal grandmother, Ute (Betta, Elisabeth) Eisenberg, née Gerber, who was born in approximately 1915 in Geneva, Switzerland, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her grandmother, who was Jewish, resided in Berlin and Munich, Germany. The Claimant further stated that her grandmother died in the Holocaust. The Claimant indicated that she was born on 9 March 1962 in London, England.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by Ute Eisenberg.

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<sup>1</sup> The Claimant submitted an Initial Questionnaire to 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 224002. In the Initial Questionnaire, the Claimant claimed an account belonging to Josef Eisenberg. The CRT will treat the claim to this account in a separate determination.

<sup>2</sup> The CRT did not locate an account belonging to Ute (Betta, Elisabeth) Eisenberg, or Ute (Betta) Gerber, 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”).

<sup>3</sup> In this claim, the Claimant also claimed the account of Lillian Stern. The CRT will treat the claim to this account in a separate determination.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Elisabeth Gerber. 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 owner's name 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 1001283

The Bank's records indicate that the Account Owner was Elisabeth Gerber, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence and the date of 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 Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the maiden name of her grandmother matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her grandmother resided in Berlin and Munich, Germany. In contrast, the Bank's records show that during this period the Account Owner resided in a different city, which is over 700 kilometers from Berlin and 300 kilometers from Munich. The CRT notes that the Account Owner's city of residence is in another region in Germany and that it is located closer to other large German cities than it is to Munich, making it unlikely that a person living in the Account Owner's city of residence would identify Munich as his or her city of residence, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandmother 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  
8 August 2006