

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Karl Glaser

Claim Number: 600020/AE^{1, 2, 3}

This Certified Denial is based on the claim of [REDACTED], (the “Claimant”) to the account of Karl Glaser. This Denial is to the published account of Karl Glaser (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 1998 asserting that her father, Karl Glaser, who was born on 13 April 1889 in Bonn, Germany, and married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a businessman who resided in Aschaffenburg, Germany, where he owned the company, *Solinger & Sichel*. The Claimant indicated that her father traveled to Basel, Switzerland, in 1938 and early 1939 for the purpose of depositing money at *Luscher & Cie. Banquiers Basel*. According to the Claimant her father fled Germany in May 1940 to New York, New York, the United States, where he passed away on 2 January 1967. The Claimant stated that she was born on 23 May 1930 in Aschaffenburg.

¹ The Claimant submitted a claim, numbered B-01376, on 14 October 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600020.

² [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire, numbered 0042019, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires, which can be processed as claim forms, be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 600020.

³ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the HCPO in 1998. The CRT is treating the Initial Questionnaire and the HCPO Claim Form under the consolidated Claim Number 600020.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Karl Glaser.

The Claimant submitted documents in support of her application, including (1) her birth certificate, indicating her parents as Karl and [REDACTED]; (2) correspondence dated 2 February 1999, from the HCPO to *Credit Suisse*, in which the HCPO attached a copy of a *Luscher & Cie. Banquiers Basel* letterhead, explaining that the Claimant found this letterhead among her father's few remaining documents, (3) correspondence dated 15 April 1999, from *Credit Suisse* to the HCPO, in which *Credit Suisse* explained that it was unable to locate an account belonging to Karl Glaser, and that the *Luscher & Cie. Banquiers Basel* letterhead did not include any text or other substantive information other than the bank's name and address; (4) correspondence dated 12 May 1999, from the Claimant to the HCPO, in which the Claimant explained that she had no further documents in support of her claim. The Claimant further explained that there is no further information regarding the letterhead, that it was properly copied, that it had been torn and disintegrated because it was on thin stationery, and that nothing was legible.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Karl Glaser. 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 4019683

The Bank's records indicate that the Account Owner was Karl Glaser, who resided in Eisleben, Germany.

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 name of her father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her

father resided in Aschaffenburg, Germany. In contrast, the Bank's records show that the Account Owner resided in Eisleben, Germany, which was not identified by the Claimant, and which is nearly 400 kilometers from Aschaffenburg. The CRT notes that Aschaffenburg and Eisleben are towns of approximately the same size, located in the vicinity of different larger cities, making it unlikely that an account owner who resided in Aschaffenburg would provide his address as Eisleben for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father are the same person.

The CRT also notes that the Claimant provided documentation about the existence of an account owned by her father. Without addressing the authenticity of the copy of the *Luscher & Cie. Banquiers Basel* letterhead provided by the Claimant, the CRT has determined that the evidence submitted by the Claimant is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and, to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. While the CRT has previously awarded accounts to claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives records and other government records, records obtained by the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT: Examples of evidence submitted by claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection between the claimant's relative and a Swiss bank. While the CRT bears in mind the difficulties of providing a claim after the destruction of the Second World War, it has determined in this case that the *Luscher & Cie. Banquiers Basel* letterhead provided by the Claimant does not fall into any of the categories discussed above, nor does it indicate the existence of a Holocaust-era account held by the Claimant's father at *Luscher & Cie. Banquiers Basel*, and is therefore insufficient to support the existence of a bank account. Accordingly, the CRT is unable to make an award to the Claimant based upon this evidence.

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 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
21 September 2005