

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Willy Glaser

Claim Number: 600008/AV¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Willy (William) Ernest Glaser (the “Account Owner”) at the [REDACTED] (“Bank I”) and the [REDACTED] (“Bank II”) (together the “Banks”).

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”) identifying the Account owner as her father, Willy (William) Ernest Glaser, who was born on 12 February 1884 in Osnabruck, Germany, and was married to [REDACTED], née [REDACTED], on 15 January 1922. The Claimant stated that her father, who was Jewish, resided in Weimar, Germany, and owned *W & A Glaser Wollwarenfabriken, Apolda*, a company located in Berlin, Germany and Vienna, Austria. The Claimant indicated that her father resided in the United Kingdom from 1933 to 1936, when he returned to Germany, residing in Berlin from 1936 to August 1938. The Claimant stated that her father subsequently fled to the United States, and that he died there on 19 May 1970.

The Claimant submitted several receipts from the period of February 1937 to May 1937. These receipts indicate that several traveler checks, letter of credit (*chèques de voyage, lettre de credit*) were remitted for payment to the Lausanne branches of Bank I and Bank II. These traveler checks, letter of credit do not refer to accounts at the Banks, nor do they contain the name of the Claimant’s relative.

¹ The Claimant submitted a claim, numbered B-01749, on 29 March 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 and has been assigned Claim Number 600008.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Willy (William) Ernest Glaser during their investigation of the Bank.

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”).

Basis for the Denial

The CRT notes that the Claimant provided the documentation to support a claim to accounts owned by her relative. 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 of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank. While the CRT bears in mind the difficulties of proving the existence of an account after the destruction of the Second World War, it has determined in this case, that because the receipts submitted by the Claimant do not fall into any of the categories discussed above, nor do they bear any relationship to an account or any official connection to the Bank, nor do they contain the name of the Claimant's relative, they are 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. 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