

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Margarete Grünfeld
(Power of Attorney Holder Herbert Grünfeld)**

Claim Number: 213531/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Margarete Grünfeld (the “Account Owner”), over which Herbert Grünfeld (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).¹

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 father, Herbert Grünfeld, who was born on 7 December 1902 in Berlin, Germany, and was married to [REDACTED] on 5 March 1944 in Sydney, Australia, was a power of attorney holder to a Swiss bank account. The Claimant stated that her father, who was Jewish, was a clothing manufacturer who resided in Markgrafenstrasse 20, Berlin, Germany. The Claimant further stated that her father was detained for a time in Buchenwald concentration camp and that after his release he fled Germany for Panama and then Sydney, Australia. The Claimant indicated that her father died on 30 July 1971 in Miami, Florida, the United States. The Claimant indicated that she was born on 10 December 1946 in Sydney, Australia.

The Claimant submitted documents in support of her claim, including: (1) her father’s marriage certificate; (2) the Claimant’s birth certificate; and (3) a document certifying his release from Buchenwald, dated 3 August 1938.

¹ The CRT did not locate an account belonging to Herbert Grünfeld 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”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account over which her relative, Herbert Grünfeld, held a power of attorney. 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. 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 5024728

The Bank's records indicate that the Account Owner was Margarete Grünfeld, who resided in Germany, and that the Power of Attorney Holder was Herbert Grünfeld. The Bank's records also indicate the Account Owner's street address and city of residence. The Bank's records also indicate two street addresses, cities and countries of residence for the Power of Attorney Holder. Furthermore, the Bank's records indicate the date of closing of the account at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's 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 CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her father matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her father resided in Berlin, Germany, Panama and Australia. In contrast, the Bank's records show that the Power of Attorney Holder resided in another country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as her relative, and 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 her 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 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
23 January 2006