

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Malka Klein

in re Account of Meta Gutmann (Power of Attorney Holder Willi Gutmann)¹

Claim Number: 004608/MG

This Certified Denial is based on the claim of Malka Klein, née Gutmann, (the “Claimant”) to the account of Willi Gutmann. The CRT did not locate an account belonging to Willi Gutmann 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 Meta Gutmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her paternal grandfather, Willi (Vilmos) Gutmann, who born on 24 October 1873 in Bonyhad, Hungary, owned a Swiss bank account. The Claimant stated that her grandfather was married to Serafin Gutmann, née Brik, on 29 May 1901 in Bonyhad, and that the couple resided at 316 Vorsomarti Ter, Bonyhad. The Claimant further stated that her grandfather, who was a merchant, travelled to Switzerland, where his brothers-in-law resided, in order to deposit money there. The Claimant indicated that during the Second World War, her grandfather, who was Jewish, was deported to Auschwitz, where he perished in 1944. The Claimant indicated that she was born on 24 April 1941 in Hungary.

The Claimant submitted documents in support of her application, including: (1) her father’s birth certificate indicating his parents’ names; (2) her grandfather’s marriage certificate including his signature; (3) her father’s marriage and death certificates.

¹ In an effort to locate and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claimed that particular account and even if the Claimant could not identify the owner of the account as her relative.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Willi Gutmann. The auditors who carried out 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.

Account 5026634

The Bank's records indicate that the Account Owner was Meta Gutmann, who resided in Berlin, Germany, and that the Power of Attorney Holder was Willi Gutmann. The Bank's records also indicate the Account Owner's street address in Berlin as well as city and country of residence and street address of the Power of Attorney Holder. Furthermore, the Bank's records indicate the date of opening 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Power of Attorney Holder Willi Gutmann as her relative. Although the name of her grandfather 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 grandfather resided in Bonyhad, Hungary. In contrast, the Bank's records show that the Power of Attorney Holder Willi Gutmann resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandfather are the same person.

The CRT also notes that the Claimant did not identify the Account Owner as her relative although she shared the same last name as the Power of Attorney Holder, 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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
13 October 2004