

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Karl Häcker

Claim Number: 001666/MG, 214644/MG; 224558/MG¹

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Karl Hacker (Häcker) and Samuel Leon Hacker (Häcker).² The CRT did not locate an account belonging to Samuel Leon Hacker (Häcker) 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 Karl Häcker (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 Form asserting that his brother, Karl Hacker (Häcker), who was born on 29 June 1914 in Leipzig, Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. In a telephone conversation on 24 January 2005, the Claimant stated that his brother, who was Jewish, resided in Leipzig until 1933, when he fled Germany to Poland. The Claimant further stated that his brother left Poland in 1934 and went to Palestine. According to the Claimant, his brother died in Weingarten, Germany on 16 May 1973. The Claimant stated that he was born on 30 December 1923 in Leipzig.

The Claimant submitted a copy of his brother’s death certificate in support of his application.

¹ According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimant in one proceeding.

² In Claim 214644, the Claimant also claimed the accounts of Alexander Hacker, Gustav Hacker and Rosa Schneider. The CRT will treat the claims to these accounts in separate decisions.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Karl Hacker (Häcker). The auditors who carried out 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 2015698

The Bank's records indicate that the Account Owner was Karl Häcker, who resided in Isny im Allgäu, Germany. The Bank's records also indicate the name of another person who was associated with the account. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue and the date of the last transaction made in the account.

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 Account Owner as his relative. Although the name of his brother matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his brother resided in Leipzig until 1933, when he fled Germany for Poland, and that in 1934 he went to Palestine. In contrast, the Bank's records show that the Account Owner resided in Isny im Allgäu, which was not identified by the Claimant as a possible residence of his brother. Furthermore, the Bank's records show that the Account Owner made transactions on the account in the late 1930s, at which time the Account Owner maintained an address in Germany. In contrast, the Claimant stated that in 1933 his brother left Germany. In addition, the CRT notes that the Claimant did not identify the person who was associated with the account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's brother 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 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 his 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
31 March 2005