

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Otto Hahn

Claim Number: 205552/AX¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Otto Hahn (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 father, Otto Hahn, who was born on 14 November 1887 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], on 1 July 1920 in Vienna, owned a Swiss bank account. The Claimant indicated that his father, who was Jewish, resided at Westbahnstrasse 27 in Vienna, and was an executive for the *Bally Shoe Co.* and the owner of *Duchs & Hahn*, a shoe-cream factory. The Claimant further indicated that his father fled to Zurich, Switzerland in 1938. In addition, the Claimant indicated that his father later moved to London, England, and then to the United States, where he died on 1 July 1980. In a telephone conversation with the CRT on 13 July 2004, the Claimant specified that his father left Vienna in approximately September 1938, and also stated that his father never lived outside Europe until he moved to the United States. The Claimant indicated that he was born on 22 December 1921 in Vienna.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 and a claim to the Holocaust Claims Processing Office (“HCPO”), asserting his entitlement to a Swiss bank account owned by Otto Hahn.

The Claimant submitted documents in support of his application, including his father’s will, indicating that the Claimant is the son of Otto Hahn.

¹ The Claimant submitted a claim, numbered B-00151, on 2 October 1997, 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 is being treated, along with the Claim Form submitted by the Claimant, under the consolidated Claim Number 205552.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Otto Hahn. 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 three accounts whose owner's name matches that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1009367, 1009368, and 1009369

The Bank's records indicate that the Account Owner was Otto Hahn, who resided in Austria. The Bank's records further indicate the Account Owner's town of residence in Austria, and an additional city and country of residence for the Account Owner. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

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 his relative. Although the name of his father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his father resided in Vienna, Austria until September 1938. In contrast, the Bank's records show that the Account Owner resided in a different town in Austria, which the Claimant has not identified. Moreover, the Claimant indicated that his father fled from Austria to Zurich, Switzerland in September 1938, and that he then moved to London, England, and later to the United States. In addition, the Claimant specifically stated that his father never lived outside Europe before he moved to the United States. In contrast, the Bank's records show that the Account Owner also resided in a different country, which is located outside Europe, before the Second World War. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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 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 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
21 September 2005