

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Yoram Zausmer

**in re Account of Horacy Heller  
(Power of Attorney Holder Jacob Zausmer)**

Claim Number: 501693/SB<sup>1,2</sup>

This Certified Denial is based on the claim of Yoram Zausmer (the “Claimant”) to the published account of Horacy Heller (the “Account Owner”), over which Jacob Zausmer (the “Power of Attorney Holder”) held power of attorney, 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 his paternal uncle, Jacob Zausmer (Causmer),<sup>3</sup> who was born in 1885 in Lodz, Poland, and was married to Genia Raicinberg, was a power of attorney holder to a Swiss bank account. The Claimant stated that his uncle, who was Jewish, was a financier who resided at Pietkowska St. 25, Lodz and Gorskiego St. 5, Warsaw, Poland. The Claimant further stated that his uncle died during the Holocaust. The Claimant indicated that he was born on 14 July 1949 in Lodz, Poland.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting his entitlement to a Swiss bank account owned by Jacob Zausmer.

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<sup>1</sup> The Claimant submitted one additional claim, which is registered under the Claim Number 150137. The CRT will treat this claim in a separate determination.

<sup>2</sup> The Claimant submitted an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 150137.

<sup>3</sup> The CRT did not locate an account belonging to Jacob Causmer 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 belonging to his relative, uncle. 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 5024031

The Bank's records indicate that the Account Owner was Horacy Heller, who resided in Warsaw, Poland, and that the Power of Attorney Holder was Jacob Zausmer. The Bank's records also indicate the Account Owner's street address in Warsaw, and the Power of Attorney Holder's street address, city and country of residence. Further, the Bank's records indicate the names of two other power of attorney holders. Finally, the Bank's records contain the Account Owner's and the power of attorney holders' 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

The CRT concludes that the Claimant has not identified the Power of Attorney as his relative. Although the name of his uncle matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his uncle resided at Pietkowska St. 25, Lodz and Gorskiego St. 5, Warsaw, Poland. In contrast, the Bank's records show that the Power of Attorney Holder had a different address. Furthermore, the CRT notes that the Claimant did not identify the other power of attorney holders to the account. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's uncle are the same person. In addition, the CRT notes that the Claimant did not identify the Account Owner as his 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 his 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 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  
8 August 2006