

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Max and Rosa Henschel

Claim Number: 215146/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Max Henschel. This Denial is to the published accounts of Rosa Henschel (the “Account Owners”), over which Max Henschel (the “Power of attorney Holder”) held Power of Attorney, and to the unpublished account of May Henschel (“Account Owner Max Henschel”) (together, the “Account Owners”) at the [REDACTED] (the “Bank”).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 grandfather, Max Henschel, who was born in Lipno, Poland, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his grandfather, who was Jewish, resided in Lipno, where he owned a cutlery and pottery wholesale business. The Claimant stated that he believed his grandfather perished in the Warsaw Ghetto. The Claimant indicated that he was born on 28 June 1928, in Lubraniec, Poland.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Max Henschel. 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. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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 5024135 and 5024135.1

The Bank's records indicate that Account Owner Rosa Henschel, who resided in Berlin, Germany, held one account, over which Account Owner May Henschel held Power of Attorney. The records indicate that Account Owner May Henschel also held an account at the same Bank. The Bank's records also indicate the Account Owner's street address and the Power of Attorney Holder's spouse's name. 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 Owners

The CRT concludes that the Claimant has not identified Account Owner Max Henschel, who also held Power Attorney to the Account belonging to Account Owner Rosa Henschel, as his relative. Although the name of his grandfather matches the published name of the Power Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder and Account Owner Max Henschel available in the Bank's records. Specifically, the Claimant stated that his grandfather resided in Lipno, Poland. In contrast, the Bank's records show that the Power of Attorney Holder resided in another city and country. The Claimant stated that his grandfather was married to [REDACTED]. In contrast, the Bank's records indicate that Account Owner Max Henschel was married to a different person. Consequently, the CRT is unable to conclude that Account Owner Max Henschel, who also held Power Attorney to the Account belonging to Account Owner Rosa Henschel, and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has identified a claimant who plausibly identified the Account Owners as his relatives. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
10 December 2004