

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED] and [REDACTED]
represented by Robert G. Stewart

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED]
represented by [REDACTED]

in re Accounts of Else Herrmann

Claim Numbers: 221780/MG; 401657/MG; 501378/MG^{1,2}

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Else (Elsa, Ilse, Tiddy, Wull) Herrmann.³ This Denial is to the published accounts of two individuals named Else Herrmann (“Account Owner 1”⁴ and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and the [REDACTED] (“Bank 2”).

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.

¹ Claimant [REDACTED 1] submitted additional claims to the accounts of David Herrmann, Jenny Herrmann and Herbert Herrmann, which are registered under the Claim Numbers 221526, 221530 and 221770, respectively. In a separate decision, the CRT has awarded Claimant [REDACTED 1] the accounts belonging to David Herrmann, Jenny Herrmann and Herbert Herrmann. See *In re Accounts of David Herrmann, Herbert Herrmann and Jenny Herrmann* (approved on 2 January 2003).

² 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 two claims of the Claimants in one proceeding.

³ The CRT did not locate an account belonging to Elsa (Ilse, Tiddy, Wull) Herrmann 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”).

⁴ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Account Owner 1, Else Herrmann, is indicated as having seven accounts and as having a residence in Germany. Upon careful review, the CRT has concluded that the bank’s records evidence that Else Herrmann owned only two accounts and resided in a different country.

Information Provided by the Claimants

The Claimants each submitted a Claim Form, and Claimant [REDACTED 2] submitted an additional Claim Form in 2005, asserting that Claimant [REDACTED 1]'s husband's stepmother and Claimant [REDACTED 2]'s mother, Else Herrmann, née Tiedemann, who was born on 13 June 1898 in Munich, Germany, owned a Swiss bank account. The Claimants stated that Else Herrmann, who was not Jewish, married [REDACTED], who was Jewish, in 1933 in Frankfurt, Germany. The Claimants further stated that Else Herrmann was an actress and that she resided in Frankfurt until 1933, when she and her family fled Germany to Brussels, Belgium. According to the Claimants, Else Herrmann and her family fled Belgium in 1940 for Palestine (today Israel), and in 1947 she emigrated to the United States, where she died on 22 July 1987 in Boston, Massachusetts. Claimant [REDACTED 1] indicated that she was born on 1 July 1922 in Copenhagen, Denmark, and Claimant [REDACTED 2] indicated that he was born on 9 September 1934 in Brussels.

The Claimants submitted documents in support of their claim, including documents concerning their relative's estate.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Else Herrmann. 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 owners' names match that provided by the Claimants. 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 1013934 and 1013935

Bank 1's records indicate that Account Owner 1 was Else Herrmann. Bank 1's records also indicate Account Owner 1's maiden name, city and country of residence. In addition, Bank 1's records indicate the name of a person who jointly held the accounts at issue with Account Owner 1 and who appears to have been closely related to Account Owner 1. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 5029711

Bank 2's records indicate that Account Owner 2 was Else Herrmann. Bank 2's records also indicate Account Owner 2's city and country of residence. Furthermore, Bank 2's records indicate the year of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Accounts 1013934 and 1013935, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their relative matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their relative's maiden name was Tiedemann. In contrast, Bank 1's records show that Account Owner 1 had a different maiden name. The Claimants also stated that their relative resided in Germany, then later Belgium and Palestine, whereas Bank 1's records indicate that Account Owner 1 resided in a different country, which was not identified by the Claimants. In addition, the CRT notes that the Claimants did not identify the person who jointly held the accounts at issue with Account Owner 1, even though they appear to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' relative are the same person.

As for Account 5029711, the CRT concludes that the Claimants have not identified Account Owner 2 as their relative. Although the name of their relative matches the published name of Account Owner 2, the information provided by the Claimants differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimants stated that their relative resided in Germany, then later Belgium and Palestine. In contrast, Bank 2's records show that Account Owner 2 resided in a different country, which the Claimants did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimants' relative are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims 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
30 November 2005