

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Bedrich Hermann

**in re Account of Ernst Herrmann
(Power of Attorney Holder Emil Herrmann)¹**

Claim Number: 220826/SB

This Certified Denial is based on the claim of Bedrich Hermann (the “Claimant”) to accounts of Leopold Hermann, Emil Hermann, Karoline Hermann-Schwarzer, Moriz Selka and Leopold Selka. The CRT did not locate accounts belonging to Leopold Hermann, Emil Hermann, Karoline Hermann-Schwarzer, Moriz Selka or Leopold Selka 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 Ernst Herrmann (the “Account Owner”) 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, Emil Hermann, who was born in Ivanovice, Czechoslovakia, in approximately 1890, and was married to Hilde Hermann, née Jokl, in approximately 1920 in Brno, Czechoslovakia, owned a Swiss bank account. According to the Claimant, Emil Hermann was a Czech businessman who lived in Brno. The Claimant further stated that Emil Hermann, Hilde Hermann, and their daughter Helga Hermann were Jewish and perished in Auschwitz in 1943. The Claimant indicated that he was born in Innsbruck, Austria, on 2 July 1919.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to those of the Claimant’s relatives, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

The Claimant previously submitted ATAG Ernst & Young claim forms in 1998, asserting his entitlement to Swiss bank accounts owned by Leopold Hermann, Emil Hermann, Karoline Hermann, Moriz Selka and Leopold Selka.

The Claimant submitted documents in support of his application, including: (1) a copy of his birth certificate; and (2) a copy of his father's death certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Emil Hermann. The auditors who carried out the ICEP Investigation reported one account whose power of attorney holder's name is substantially similar to 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 5026621

The Bank's records indicate that the Account Owner was Ernst Herrmann, who resided in Prague, Czechoslovakia, and that the Power of Attorney Holder was Emil Herrmann. The Bank's records also indicate the Account Owner's title and street address, as well as the Power of Attorney Holder's profession and city of residence. Furthermore, the Bank's records indicate the date of opening of the account at issue. 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his uncle is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his uncle was a businessman in Brno, Czechoslovakia. In contrast, the Bank's records indicate that the Power of Attorney Holder, who had a different profession, resided in a different city over 200 kilometers from Brno. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's uncle are the same person.

The CRT also 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 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
13 October 2004