

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Richard Herz¹

Claim Number: 601231/AK²

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Carl Herz, Adolf Otto Herz, Johanna Herz, and Richard Herz. This Denial is to the published accounts of Richard Herz (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 to the Holocaust Claims Processing Office (“HCPO”) asserting that his father, Richard Herz, who was born on 1 November 1917 in Mainz, Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his father resided at Stiftswingert 19 in Mainz, and that he had close relatives, whom he frequently visited, in Frankfurt am Main, Germany. The Claimant also stated that his father, who was Jewish, fled to the United States in 1937, and that he died on 11 September 1989 in New York, New York, the United States. The Claimant indicated that he was born on 16 December 1953 in New York.

The Claimant submitted documents in support of his application, including his father’s birth certificate, indicating that Richard Herz was born on 1 November 1917 in Mainz.

¹ 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”), Richard Herz is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

² The Claimant submitted a claim, numbered B-00197, on 10 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 has been assigned Claim Number 601231.

³ In a separate decision, the CRT awarded the accounts of Carl Herz to the Claimant. See *In re Accounts of Carl Herz* (approved on 30 September 1997). The CRT will treat the claims to the accounts of Adolf Otto Herz and Johanna Herz in separate determinations.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Richard Herz. 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 owner’s name matches that provided by the Claimant. Upon review of the Bank’s 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 for tracking purposes.

Accounts 5024848 and 5024848.1

The Bank’s records indicate that the Account Owner was Richard Herz, who resided in Frankfurt am Main, Germany. The Bank’s records also indicate the Account Owner’s profession, professional title, and street address. In addition, the Bank’s records indicate the date by which at least one of the accounts was opened, and the date of closing of one of the accounts at issue. Finally, the Bank’s records contain the Account Owner’s signature.

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 published and unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant stated that his father was born in 1917, and that he resided in Mainz, Germany. In contrast, the Bank’s records show that the Account Owner already held a professional title at a time when the Claimant's father was still a young child, and that he resided in Frankfurt am Main, Germany. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s father are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified the Account Owner as his relative. 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 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
30 September 2005