

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Lora Mills

**in re Accounts of Simon Herz
and
Account of S. Herz**

Claim Number: 400942/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of two individuals named Simon Herz (“Account Owner 1” and “Account Owner 2”) held at the [REDACTED] (the “Bank”) and to the published account of S. Herz (“Account Owner 3”), also held at 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 in 2005 asserting that her father, Simon Herz, who was born on 16 February 1900 in Kusel, Germany, and was married to [REDACTED] in Wallhalben, Germany, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a barber who resided in Wallhalben until he was arrested in 1938. The Claimant further stated that the family lost contact with his father after his arrest and that he perished in the Holocaust. The Claimant indicated that she was born on 27 August 1926 in Wallhalben.

The Claimant submitted documents in support of her claim, including a copy of her father’s birth certificate, which indicates his date and place of birth.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Simon 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. In addition, documents evidencing an account belonging to a Simon

Herz were obtained from archival sources in Germany during the course of the ICEP Investigation. Further, documents evidencing an account belonging to S. Herz were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the "1962 Survey"). Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Account 4020337

The Bank's records indicate that Account Owner 1 was Simon Herz. The Bank's records also indicate Account Owner 1's city and country of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

Account 6001970

The German archive records indicate that Account Owner 2 was Simon Herz. The German archive records also indicate Account Owner 2's date of birth, the name of his spouse and his city and country of residence.

Account 6001732

The 1962 Survey records indicate that Account Owner 3 was S. Herz. The 1962 Survey records also indicate Account Owner 3's full name.

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

As for Account 4020337, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her father resided in Germany. In contrast, the Bank's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 6001970, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the

unpublished information about Account Owner 2 available in the German archive records. Specifically, the Claimant stated that her father was born in 1900 and was married to Lina Michels. In contrast, the German archive records show that Account Owner 2 was born several years earlier and was married to a different person. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 6001732, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in the 1962 Survey records. Specifically, the Claimant stated that her father's first name was Simon. In contrast, the 1962 Survey records show that Account Owner 3 had a different first name. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her 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
19 March 2007