

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Isidor Hess

Claim Number: 601233/SB^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Isadore (Isador) Hess.³ This Denial is to the published account of Isidor Hess (the “Account Owner”), 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 to the Holocaust Claims Processing Office (“HCPO”) asserting that his uncle, Isadore Hess, who was born in Reichenberg, Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, resided in Frankfurt am Main and Schopfheim, Germany, where he also owned a manufacturing business and a clothes store. The Claimant further stated that his uncle perished in Riga concentration camp in 1942. The Claimant indicated that he was born on 15 May 1921 in Frankfurt am Main.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Isador Hess.

¹ The Claimant submitted an additional claim to the account of Clara Hess, which is registered under the Claim Number 213042. In a separate decision, the CRT has awarded this account to the Claimant. See *In re Account of Clara Hess*, (approved on 2 January 2003).

² The Claimant submitted a claim, numbered B-02199, on 26 April 2000, 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 601233.

³ The CRT did not locate an account belonging to Isadore (Isador) Hess, 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”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Isadore Hess. 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. 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 2015718

The Bank's records indicate that the Account Owner was Isidor Hess, who resided in Saarbrücken, Germany. The Bank's records also indicate the date of closing of the account at issue.

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 uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his uncle resided in Frankfurt am Main and Schopfheim, Germany. In contrast, the Bank's records show that the Account Owner resided in Saarbrücken, Germany, which is approximately 150 kilometers from Frankfurt am Main and 190 kilometers from Schopfheim. The CRT notes that Frankfurt is a large commercial city and a financial center, making it unlikely that someone who resided there, or in a smaller city close to it such as Schopfheim, would use a different smaller city some distance from it, such as Saarbrücken, as an address, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person.

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, which 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