

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant David Mendelsohn

**in re Accounts of Berta Hirsch  
and  
Accounts of Bertha Hirsch-Marchand<sup>1</sup>**

Claim Number: 003971/MG<sup>2</sup>

This Certified Denial is based on the claim of David Mendelsohn (the Claimant ) to the account of Bertha Hirsch.<sup>3</sup> This Denial is to the published account of Berta Hirsch (“Account Owner 1”), to the published account of Berta Hirsch (“Account Owner 2”), and to the published accounts of Bertha Hirsch-Marchand (“Account Owner 3”), all 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 aunt, Berta Hirsch, who was born in Frankfurt, Germany, and was married to Daniel Hirsch, owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, held German citizenship and resided in Frankfurt. According to the Claimant, his aunt perished in the Holocaust. The Claimant indicated that he was born on 18 August 1927 in Romania.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Bertha Hirsch.

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<sup>1</sup> 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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. 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.

<sup>2</sup> The Claimant submitted Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 003971.

<sup>3</sup> In this claim, the Claimant also claimed the account of Daniel Hirsch. The CRT will treat the claim to this account in a separate decision.

The Claimant submitted documents in support of his application, including a list of deportees from Frankfurt am Main indicating his uncle's and aunt's names.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Bertha Hirsch. 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 six accounts whose owners' names match or are substantially similar to that provided by the Claimant. Upon review of the bank documents, the CRT also located additional accounts that were not reported by the auditors. 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.

#### Account 5023833

The Bank's records indicate that Account Owner 1 was Berta Hirsch, who resided in Vienna, Austria, and that the Power of Attorney Holder was Else Hirsch. The Bank's records also indicate Account Owner 1's street address, Account Owner 1's maiden name and the marital status of both Account Owner 1 and the Power of Attorney Holder. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

#### Account 5034240

The Bank's records indicate that Account Owner 2 was Berta Berger Hirsch, who resided in Offenbach, Germany, and that the Power of Attorney Holder was Hugo Berger-Hirsch. The Bank's records also indicate Account Owner 2's street address and maiden name. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

#### Accounts 5025102, 5025102.1, 5035531, 5035531.1, 5035531.2, 5035532, 5035532.1, 5035532.2, 5035532.3 and 5035533

The Bank's records indicate that Account Owner 3 was Bertha Hirsch-Marchand, who resided in Frankfurt am Main, Germany. The Bank's records further indicate Account Owner 3's maiden name and marital status, as well as the name and title of her husband and the name of a power of attorney holder to the accounts. Finally, the Bank's records contain Account Owner 2'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 Owners

As for Account 5023833, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his aunt, Bertha Hirsch was from Frankfurt am Main, Germany, and that she was married to his uncle, Daniel Hirsch. In contrast, the Bank's records show that Account Owner 1 had a different marital status and that she resided in Vienna, Austria, a place to which the Claimant did not establish any connection. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder, who appears to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5034240, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his aunt, Bertha Hirsch was from Frankfurt am Main, Germany, and that she was married to his mother's brother, Daniel Hirsch. In contrast, the Bank's records show that Account Owner 2 had a different married name and resided in Offenbach, Germany, a place to which the Claimant did not establish any connection. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder who is closely related to Account Owner 1 or the name Berger. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt are the same person.

As for Accounts 5025102, 5025102.1, 5035531, 5035531.1, 5035531.2, 5035532, 5035532.1, 5035532.2, 5035532.3 and 5035533, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his aunt is substantially similar to the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in the Bank's records. Specifically, the Claimant stated that his aunt was married to Daniel Hirsch. In contrast, the Bank's records show that Account Owner 3 was married to someone else. The Claimant also did not identify the name Marchand, which is part of Account Owner 3's name. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's aunt 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 her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://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 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  
10 December 2004