

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Fay Ziegler

in re Accounts of Berta Hirsch and Accounts of Bertha Hirsch-Marchand¹

Claim Numbers: 211128/MG; 702801/MG²

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to accounts of Berta Hirsch-Langer and Joachim Samuel Langer. The CRT did not locate an account belonging to Berta Hirsch-Langer or Joachim Samuel Langer 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 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, 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 and an Initial Questionnaire asserting that his aunt, Berta Hirsch-Langer, who was born in 1909 in Bielsko Biala, Poland, and was married to [REDACTED] in 1926 in Bielsko Biala, owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, owned a wholesale business. The Claimant further stated that his aunt

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’ 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.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the claim and the Initial Questionnaire of the Claimant in one proceeding.

resided in Bielsko Biala until 1939, when the Nazis confiscated his aunt's business and deported her to the ghetto in Bochnia. The Claimant stated that his aunt perished in Auschwitz in 1943. The Claimant indicated that he was born on 19 June 1916 in Chrzanow, Poland.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Berta Hirsch-Langer. The auditors who carried out 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 six 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, maiden name and marital status. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

Account 5034240

The Bank's records indicate that Account Owner 2 was Berta Hirsch-Berger, who resided in Offenbach, Germany, and that the Power of Attorney Holder was Hugo Hirsch-Berger. The Bank's records also indicate Account Owner 2's married name and street address. 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 also indicate Account Owner 3's marital status and maiden name, as well as the name and title of her spouse. In addition, the Bank's records indicate the name of a power of attorney holder to the accounts at issue. Finally, the Bank's records contain Account Owner 3's signature.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of 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 until 1939 his aunt resided in Bielsko Biala, Poland. In contrast, the Bank's records show that during that time Account Owner 1 resided in Vienna, Austria, a place to which the Claimant did not establish any connection. Furthermore, the Claimant stated that his aunt was married in 1926, whereas the Bank's records indicate that Account Owner 1 had a different marital status at that time. In addition, the CRT notes that the Claimant did not identify Power of Attorney Holder Else Hirsch as his relative. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5034340, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt matches 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 resided in Bielsko Biala, Poland until 1939. In contrast, the Bank's records show that during that time Account Owner 2 resided in Offenbach, Germany, a place to which the Claimant did not establish any connection. Furthermore, according to the Claimant, her married name was Langer, whereas the Bank's records show that Account Owner 2 had a different married name. In addition, the CRT notes that the Claimant did not identify Power of Attorney Holder Hugo Berger-Hirsch as his relative. 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 resided in Bielsko Biala, Poland. In contrast, the Bank's records show that Account Owner 3 resided in Frankfurt am Main, Germany, a place to which the Claimant did not establish any connection. Furthermore, the Claimant stated that his aunt was married to [REDACTED]. In contrast, the Bank's records indicate that Account Owner 3 was married to someone else. In addition, the CRT notes that the Claimant did not identify the name Marchand, which is part of Account Owner 3's last 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.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 claims 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
15 July 2005