

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Clara Hirsch

Claim Number: 204233/AH¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Clara (or Cläre or Klara) Sara Hirsch, née Gottschalk, and Arnold Esrati. The CRT did not locate an account belonging to Clara (or Cläre or Klara) Sara Gottschalk or Arnold Esrati 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 Clara Hirsch (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 Form asserting that his paternal grandmother, Clara (or Cläre or Klara) Sara Hirsch, née Gottschalk, who was born on 6 May 1871 in Orsoy, Germany, owned a Swiss bank account. The Claimant stated that his grandmother was married to [REDACTED] on 31 May 1900 in Dortmund, Germany, and had one child, [REDACTED] (later [REDACTED]). The Claimant stated that his grandmother was a homemaker and resided in Berlin, Germany. The Claimant indicated the street addresses at which his grandmother resided in Berlin. The Claimant stated that in 1942 his grandmother, who was Jewish, was deported to Theresienstadt, where she perished on 4 March 1943. The Claimant indicated that he was born on 13 March 1927 in Berlin.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Clara Hirsch, née Gottschalk, and Arnold Esrati.

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 204233.

The Claimant submitted documents in support of his application, including: (1) Clara Hirsch's biography written by the Claimant; (2) a letter from the municipality of Dortmund indicating Clara Hirsch's family tree; and (3) records regarding the Claimant's grandmother's assets, which indicate her connection to Berlin and her Jewish faith.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Clara (or Cläre or Klara) Sara Hirsch, née Gottschalk. The auditors who carried out 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 5035929

The Bank's records indicate that the Account Owner was Clara Hirsch, who resided in Berlin, Germany, and that the Power of Attorney Holder was Gerta Schwab-Hirsch. The Bank's records also indicate the Account Owner's street address and quarter of residence in Berlin, the Power of Attorney Holder's street address and city of residence, the Account Owner's relationship to the Power of Attorney Holder, and the name of the Account Owner's child. Furthermore, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified Account Owner Clara Hirsch as his relative. Although the name of his grandmother 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 grandmother had one child, [REDACTED] (later [REDACTED]). In contrast, the Bank's records indicate that the Account Owner's child was a different person. The CRT further notes that the Claimant did not identify the names or the address of the Power of Attorney Holder or her relationship to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandmother are not 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 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
13 October 2004