

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Frida Hirsch
(Power of Attorney Holder Alfred Hirsch)¹**

Claim Number: 778943/MG²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to accounts of Alfred Hirsch and Bella Hirsch, née Levi.³ This Denial is to the published account of Frida Hirsch (the “Account Owner”), over which Alfred Hirsch (the “Power of Attorney Holder”) held power of attorney, 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 an Initial Questionnaire asserting that his father, Alfred Hirsch, who was born on 11 September 1897, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his father, who was Jewish, owned a kosher butcher business, and that he resided in Niedermittlau (*Kreis* Gelnhausen, Hessen) and Frankfurt am Main, Germany. The Claimant further stated that his father was deported to Auschwitz, where he perished. The Claimant indicated that he was born on 23 October 1926.

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’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted an Initial Questionnaire, numbered ENG 0347 196, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 778943.

³ The CRT did not locate an account belonging to Alfred Hirsch or Bella Hirsch, née Levi 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, Alfred 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 one account whose power of attorney holder'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 5026900

The Bank's records indicate that the Account Owner was Frida Hirsch, who resided in Nuremberg, Germany, and that the Power of Attorney Holder was Alfred Hirsch. The Bank's records also indicate the Account Owner's street address and the dates of opening and closing of the account at issue. Furthermore, the report of the auditors who carried out the ICEP investigation of the Bank indicates the Power of Attorney Holder's street address, city and country of residence.

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 Power of Attorney Holder as his relative. Although the name of his father matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his father resided in Niedermittlau and Frankfurt am Main, Germany. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different city, which is more than 150 kilometers from either Niedermittlau or Frankfurt, and to which the Claimant established no connection. The CRT notes that Frankfurt, one of the cities in which the Claimant's relative resided, and the city of residence of the Power of Attorney Holder, are both relatively large German cities of similar size, making it unlikely that a person living in one would identify the other as his/her place of residence, even for the purpose of maintaining a bank account. The CRT also notes that the Claimant did not identify the Account Owner, even though the Account Owner and the Power of Attorney Holder share the same last name. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as his relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

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
9 November 2006