

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Johanna Hirsch
and
Accounts of Heinrich Hirsch**

Claim Numbers: 220502/MG/AH; 220627/MG/AH^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Johanna Hirsch (“Account Owner 1”) and to the published accounts of Heinrich Hirsch (“Account Owner 2”) 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her paternal grandmother, Johanna Hirsch, née Merklinger, owned a Swiss bank account. The Claimant stated that her grandmother, who was Jewish, was born in 1872, was married to [REDACTED] in Berwangen, Germany, and resided in Bodersweier, Germany and later in Berwangen. The Claimant further stated that her grandmother visited Switzerland. The Claimant indicated that her grandmother died in 1935 in Berwangen.

The Claimant submitted an additional Claim Form asserting that her father, Heinrich (Henry) Hirsch, who was born on 8 October 1904 in Berwangen, owned a Swiss bank account. The Claimant stated that her father was married twice: to [REDACTED] ([REDACTED] or [REDACTED]) [REDACTED], née J[REDACTED] ([REDACTED]), and to a [REDACTED]. The Claimant stated that her father, who was Jewish, was a salesman of textile products and

¹ The Claimant submitted an additional claim to the account of Joseph or Seppel Wolf, which is registered under the Claim Number 220384. The CRT will treat the claim to this account in a separate decision.

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 two claims of the Claimant in one proceeding.

traveled throughout Europe. The Claimant further stated that her father resided in Berwangen until 1938, when he fled Germany for the United States, where he died on 23 December 1955. The Claimant indicated that she was born on 5 June 1942 in Norwalk, Connecticut, the United States.

The Claimant submitted documents in support of her application, including her own birth certificate and her father's death certificate, which indicates that his mother's maiden name was Johanna Merklinger.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Johanna Hirsch, née Merklinger, and Heinrich (Henry) 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 three accounts whose owners' names were substantially similar to those provided by the Claimant. 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 5034107

The Bank's records indicate that Account Owner 1 was Johanna Hirsch-Strauss, who resided in Saarbrücken, Germany, and that the Power of Attorney Holder to the account at issue was Account Owner 2. The Bank's records also indicate Account Owner 1's maiden name. Furthermore, the Bank's records indicate the date on which the Power of Attorney was signed. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

Accounts 5034110 and 5024222

The Bank's records indicate that Account Owner 2 was Heinrich Hirsch, who resided in Heidelberg, Germany, and that the Power of Attorney Holder was Account Owner 1. The Bank's records also indicate the name of Account Owner 2's wife and an additional city and country of residence. Furthermore, the Bank's records indicate the date on which the power of attorney was signed. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 5034107, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the married name of her grandmother 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 and provided documents indicating that her grandmother's maiden name was Merklinger. In contrast, the Bank's records show that Account Owner 1 had a different maiden name. The Claimant also did not indicate the connection of her grandmother to the name Strauss, which was published as part of Account Owner 1's last name. In addition, the Claimant stated that her grandmother resided in Bodersweier and in Berwangen. In contrast, the Bank's records show that Account Owner 1 resided in Saarbrücken. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person.

As for Accounts 5034110 and 5024222, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her father was married to [REDACTED], née [REDACTED], and later to a [REDACTED]. In contrast, the Bank's records show that Account Owner 2 was married to a different person. Moreover, the Claimant stated that her father resided in Berwangen until he fled Germany in 1938 for the United States. In contrast, the Bank's records show that in 1938 Account Owner 2 resided in Heidelberg, and in another country, which was not identified by the Claimant. Finally, as indicated above, the Claimant failed to identify Account Owner 1 who was the Power of Attorney Holder to the accounts at issue. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father 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 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 her 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
19 November 2004