

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

**in re Account of M. Hirsch  
and  
Account of Fanny Hirsch**

Claim Numbers: 207036/MG; 400189/MG<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED 1] (the “Claimant”) to the accounts of Max Hirsch and Fanny (Frima) Hirsch.<sup>3</sup> This Denial is to the published account of M. Hirsch (“Account Owner 1”) at the [REDACTED] (the “Bank”) and to the published account of Fanny Hirsch (“Account Owner 2”), also at 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 two Claim Forms, asserting that her parents, Max Hirsch, who was born on 28 September 1889 in Poland, and Fanny Hirsch, née Silber, who was born on 16 April 1895 in Poland, who were married on 1 January 1917 in Vienna, Austria, each owned a Swiss bank account. The Claimant stated that her parents, who were Jewish, resided in Vienna and that her father was a businessman. According to the Claimant, her father was deported in 1940 to Yugoslavia, where he perished in 1941, and her mother was deported to the Lodz Ghetto in 1942 and later to the concentration camp in Chelmo, where she perished in 1943. The Claimant indicated that she was born on 22 August 1924 in Vienna.

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<sup>1</sup> 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.

<sup>2</sup> 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 207036.

<sup>3</sup> The CRT did not locate an account belonging to Frima Hirsch 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.

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

The CRT notes that the Claimant submitted claims to accounts belonging to her parents, Max Hirsch and Fanny 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 two accounts whose owners' names match 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 5032720

The Bank's records indicate that Account Owner 1 was M. Hirsch, who resided in Frankfurt, Germany. The Bank's records also indicate Account Owner 1's street address, profession and the year in which the account at issue was opened.

### Account 5030959

The Bank's records indicate that Account Owner 2 was Fanny Hirsch. The Bank's records also indicate Account Owner 2's city and country of residence and date of death.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of correspondence with the Bank and indicate Account Owner 2's maiden name.

## **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 5032720, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father 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 her father was a businessman who resided in Vienna until his deportation to Yugoslavia. In contrast, the Bank's records show that Account Owner 1 had a different profession and resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5030959, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother 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 mother's maiden name was Silber. In contrast, the Bank's records show that Account Owner 2 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

#### **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 March 2007