

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Adolf Hochwald
(Power of Attorney Holder Hans Goldmann)¹**

Claim Number: 600242/AC²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Anna Singer.³ This Denial is to the published account of Adolf Hochwald (the “Account Owner”), over which Hans Goldmann (“Power of Attorney Holder Hans Goldmann”) 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 a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her mother’s cousin, Prof. Hans Goldmann, owned a Swiss bank account. According to the Claimant, her mother’s cousin, who was Jewish, resided in Bern, Switzerland, where he was a well-known ophthalmologist. She also indicated that her mother’s cousin might have opened accounts on her mother’s behalf. The Claimant indicated that her father, [REDACTED], died in 1922, and that her mother, [REDACTED], née [REDACTED], resided in Czechoslovakia until approximately 1940 or 1941, when she was deported first to Theresienstadt, and then to Auschwitz, where she perished. The Claimant indicated that she was born on 13 July 1918 in Krnov, Czechoslovakia (now the Czech Republic).

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Hans

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 her relative.

² The Claimant submitted a claim, numbered B-01426, on 4 November 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600242.

³ The CRT will treat the claim to this account in a separate determination.

Goldmann. 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 5026620

The Bank’s records indicate that the Account Owner was Adolf Hochwald, who resided in Brno, Czechoslovakia, and that the Power of Attorney Holder was Hans Goldmann. The Bank’s records also indicate the Account Owner’s title, and the Power of Attorney Holder’s city of residence, title, and profession. Furthermore, the Bank’s records indicate the date on which power of attorney was granted to the Power of Attorney Holder. Finally, 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 Governing the Claims Resolution Process, as amended (the “Rules”).

Identification of the Account Owner

The CRT concludes that the Claimant has plausibly identified Power of Attorney Holder Hans Goldmann as her relative. The Claimant identified the published name of the Power of Attorney Holder. Additionally, the Claimant identified the unpublished city of residence, title, and profession of the Power of Attorney Holder. However, the CRT concludes that the Claimant has not identified the Account Owner as her relative. The Claimant did not indicate that she had a family member whose name matches that of the Account Owner.

The CRT notes that the Claimant did not identify the Account Owner as her 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, because the Claimant has plausibly identified only the Power of Attorney Holder, and not the Account Owner, as her relative, the Claimant is not entitled to the account, as there is no evidence in the Bank’s records that the Power of Attorney Holder and the Account Owner were related.

Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified the Account Owner as their 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 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 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
21 September 2005