

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Heinrich Hofmann
and
Accounts of H. Hofmann**

Claim Numbers: 400646/AE; 600049/AE^{1, 2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED] (the “Claimant”) to an account of Herman (Harry, Hersch, Heinrich) Hoffman (Hofmann or Hoffmann). This Denial is to the published account of Heinrich Hofmann (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of H. Hofmann (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of H. Hofmann (“Account Owner 3”) at Bank 2.³

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 banks are redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) and a Claim Form to the CRT in 2005, asserting that her late husband’s uncle, Herman (Harry, Heinrich or Hersch) Hoffman (Hofmann or Hoffmann), who was born sometime between 1890 and 1900 in Kusnice, Austria-Hungary, and was married to [REDACTED], owned a Swiss bank account. The Claimant indicated that her late husband’s uncle served in the Austro-Hungarian army in the First World War. The Claimant further indicated that her late husband’s uncle

¹ The Claimant submitted a claim, numbered B-00011, on 17 September 1997, 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 600049.

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.

³ The CRT did not locate an account belonging to Herman (Harry, Hersch) Hofmann (Hoffman or Hoffmann), or to Heinrich Hoffman or Hoffmann, 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”).

resided in Beregszasz, Czechoslovakia until 1932, when he moved to Leipzig, Germany. In addition, the Claimant indicated that her late husband's uncle, who was Jewish, owned leather businesses in Czechoslovakia and then later in Leipzig, Germany. The Claimant further indicated that her late husband's uncle perished in the Holocaust. The Claimant indicated that she was born on 18 June 1936 in New York, the United States.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Herman Hoffman and Noah Berger.⁴

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her late husband's uncle, Herman (Harry, Heinrich or Hersch) Hoffman (Hofmann or Hoffmann). 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 four accounts whose owners' names match that 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 4019861

Bank 1's records indicate that Account Owner 1 was Heinrich Hofmann, who resided in Kirchenlamitz, Germany. Bank 1's records further indicate Account Owner 1's professional title, and the dates of opening and closing of the account at issue.

Accounts 1009064, 1009065

Bank 2's records indicate that Account Owner 2 was H. Hofmann, who resided in Germany. The Bank's records further indicate Account Owner 2's city of residence, and the dates of opening and closing of the accounts at issue.

Account 1009063

Bank 2's records indicate that Account Owner 3 was H. Hofmann. Bank 2's records further indicate Account Owner 3's city and country of residence, his professional title and his profession. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

⁴ The CRT will treat the claim to the account of Noah Berger in a separate determination.

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 4019861, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her late husband's uncle 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 Bank 1's records. Specifically, the Claimant indicated that her late husband's uncle was the owner of a leather business. In contrast, Bank 1's records indicate that Account Owner 1 held a title and had a different profession. In addition, the Claimant indicated that her late husband's uncle resided in Beregszasz, Czechoslovakia until 1932, when he moved to Leipzig, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in Kirchenlamitz, Germany, which is located over 170 kilometers from Leipzig, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Accounts 1009064 and 1009065, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her late husband's uncle 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 Bank 2's records. Specifically, the Claimant indicated that her late husband's uncle resided in Beregszasz until 1932, when he moved to Leipzig. In contrast, Bank 2's records show that Account Owner 2 resided in a different city in Germany, which is located over 400 kilometers from Leipzig, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's relative are the same person.

As for Account 1009063, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her late husband's uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that her relative resided in Beregszasz until 1932, when he moved to Leipzig. In contrast, Bank 2's records show that Account Owner 3 resided in a different country, which was not identified by the Claimant. Furthermore, the Claimant indicated that her late husband's uncle was the owner of a leather business. In contrast, Bank 2's records indicate that Account Owner 3 had a different profession. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's relative 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 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 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 claims 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