

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Gertrud Klein
and
Accounts of G. Klein
and
Account of Emil Katz
(Power of Attorney Holder Trude Katz)**

Claim Number: 223004/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED], née [REDACTED].² This Denial is to the published account of Gertrud Klein (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of G. Klein (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of Emil Katz (“Account Owner 3”), over which Trude Katz (the “Power of Attorney Holder”) held power of attorney, at Bank 1.³

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 owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form, asserting that her mother, [REDACTED], née [REDACTED], who was born on 2 July 1911 in Vienna, today Austria, and was married to [REDACTED] on 11 July 1939 in Vienna, owned a Swiss bank account. The Claimant stated that her mother, who was Jewish, was the daughter of [REDACTED] and resided in Austria.

¹ The Claimant submitted four additional claims, which are registered under the Claim Numbers 216941, 216991, 217256 and 221561. In separate decisions, the CRT awarded the accounts of [REDACTED] and [REDACTED] to the Claimant. See *In re Accounts of [REDACTED]* (approved on 15 July 2003) and *In re Accounts of [REDACTED] and [REDACTED]* (approved on 3 June 2003). The CRT will treat the remaining claims in separate determinations.

² The CRT did not locate an account belonging to [REDACTED], née [REDACTED], 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”).

³ In this claim, the Claimant also claimed the account of [REDACTED], which the CRT has treated, see footnote 1 above.

The Claimant further stated that on an unknown date, her mother fled Austria for Turkey, and then later to Palestine. The Claimant stated that her mother died on 6 April 1998 in New York, New York, the United States. The Claimant indicated that she was born on 6 November 1945 in Haifa, today Israel.

The Claimant submitted documents in support of her claim, including the Claimant's mother's death certificate, which indicates that her name was [REDACTED] and her date and place of birth.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Gertrude Katz, née Klein. 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' and power of attorney holder's 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 5035807

Bank 1's records indicate that Account Owner 1 was Gertrud Klein, who resided in Stuttgart, Germany. Bank 1's records also indicate Account Owner 1's maiden name, date of birth and the name of her father. Bank 1's records also indicate the names of five joint account owners and their respective cities and countries of residence.

Accounts 1011238 and 1011239

Bank 2's records indicate that Account Owner 2 was G. Klein. Bank 2's records also indicate Account Owner 2's city and country of residence and the dates of opening and closing of the accounts at issue.

Account 5023823

Bank 1's records indicate that Account Owner 3 was Emil Katz, who resided in Vienna, Austria and that the Power of Attorney Holder was Trude Katz. Bank 1's records also indicate the Power of Attorney Holder's street address, city and country of residence. Finally, Bank 1's records contain Account Owner 3'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 Owners

As for Account 5035807, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother 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 stated that her mother was born in 1911 and that her mother's father was [REDACTED]. In contrast, Bank 1's records show that Account Owner 1 was born in a different year and had a different father. Consequently, the CRT concludes that Account Owner 1 and the Claimant's mother are not the same person.

As for Accounts 1011238 and 1011239, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother matches the published first initial and last 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 stated that her mother resided in Vienna, Austria until 1939. In contrast, Bank 2's records show that during this time Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

As for Account 5023823, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her mother 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 Bank 1's records. Specifically, the Claimant stated that until 1939 her mother resided in Vienna, Austria. In contrast, Bank 1's records show that during this time the Power of Attorney Holder resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's mother are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 3 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, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 3, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 1's records that the Power of Attorney Holder and Account Owner 3 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 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
6 May 2006