

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Miriam Birnbaum

**Claimed Account Owners: Solomon Kowarsky, Max Kowarsky and Israel Lewin<sup>1</sup>**

Claim Number: 222515/SB

This determination is based on the claim of Miriam Birnbaum (the “Claimant”) to a Swiss bank account potentially owned by Solomon Kowarsky, Max Kowarsky and Israel Lewin. The CRT did not locate an account belonging to Max Kowarsky (Kowarski) and Israel Lewin 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”).

This Certified Denial is to a Swiss bank account potentially owned by the Claimant’s relative, Solomon Kowarsky (Kowarski) (the “Claimed Account Owner”).

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 a claim stating that Solomon Kowarsky, who was Jewish, resided in Poland in 1939. The Claimant did not state where Solomon Kowarsky resided prior to 1939, but the CRT notes from the Claimant’s two Initial Questionnaires submitted to the Court in 1999, that prior to the Second World War the Claimant’s family resided in Poland.

### **The CRT’s Investigation**

The CRT matched the name of Solomon Kowarsky (Kowarski) to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by

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<sup>1</sup> The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

## **The CRT's Analysis**

### Identification of the Account Owner

The list below contains names of account owners and power of attorney holders that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner, or power of attorney holder, are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

*Name: Fuma Kowarsky (Riga, USSR) Solomon Kowarsky (power of attorney holder)*

*Account Identification Number: 5023985*

*Specifically, the Claimant stated that her family resided in Poland prior to the Second World War. In contrast, the records show that at this time the power of attorney holder resided in a different country. The CRT also notes that the Claimant did not identify the account owner, even though this person appears to be closely related to the power of attorney holder.*

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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 CRT now considers the Claimant's claim to the accounts of Max Kowarsky and Israel Lewin closed. Please note that this decision applies only to the Claim Number and Claimed Account Owners identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
17 March 2008