

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Paul Lemke

Claim Number: 150116/AV

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Paul Lemke (the “Account Owner”) 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 Form asserting that his uncle, Paul Lemke, who was born in 1876 in Königsberg, Germany (now Kaliningrad, Russia), owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, was a musician who traveled extensively in Germany and Switzerland, but that his home residence was in Berlin, Germany. The Claimant further stated that his uncle was sent to Theresienstadt in 1942 and that his uncle died in 1968 in Hamburg, Germany. The Claimant stated that he was born on 15 September 1934 in Stralsund, Germany.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Paul Lemke. 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 three accounts whose owner’s name matches 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.

Accounts 1010411, 1010412, and 1010413

The Bank’s records indicate that the Account Owner was Paul Lemke, who resided in Germany. The Bank’s records also indicate the Account Owner’s city of residence and profession.

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 not identified the Account Owner as his relative. Although the name of his uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his uncle was a musician. In contrast, the Bank's records show that the Account Owner had a different profession. Moreover, the Claimant indicated that his uncle resided in Berlin, whereas the Bank's records show that the Account Owner resided in a different city, which is fifty kilometers from Berlin. The CRT notes that the Claimant's uncle's city of residence, Berlin, is a major German city, and that the Account Owner's city of residence is a small town, rendering it unlikely that the Claimant's uncle would indicate a different small town as his place of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 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 his 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
14 December 2005