

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Oscar Levi  
and Accounts of Oscar Levy  
and Accounts of Erich Loew  
(Power of Attorney Holder Oskar Loew)<sup>1</sup>**

Claim Number: 210961/AH

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Oscar (also spelled as Oskar) Levi.<sup>2</sup> This Denial is to the published accounts of Oscar Levi (“Account Owner 1”) and Oscar Levy (“Account Owner 2”) at the [REDACTED] (“Bank I”) and to the published accounts of Erich Loew (“Account Owner 3”) at the [REDACTED] (“Bank II”).

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 are redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his father, Dr. Oscar (also spelled as Oskar) Levi, who was born on 2 August 1890 in Winnweiler, Germany, owned a Swiss bank account. The Claimant stated that his father was married to [REDACTED] in 1920 in Ichenhausen, Germany, and that he was their only child. The Claimant further indicated that his father lived in Waldmohr-Homburg, Germany, where he worked as a medical doctor. The Claimant indicated that in 1936, his father, who was Jewish, fled Nazi Germany to the United States, where he

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<sup>1</sup> 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 substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> In this claim, the Claimant also claimed the account of [REDACTED]. The CRT will treat the claim to this account in a separate decision.

remained until his death on 5 March 1965. The Claimant indicated that he was born on 7 December 1928 in Waldmohr-Homburg.

The Claimant submitted documents in support of his application, including: (1) his father's death certificate; and (2) the Claimant's childhood vaccination report; and his father's travel permit, both issued in Waldmohr-Homburg and indicating the name Dr. Oskar Levi.

### **Information Available in the Banks' Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Oscar (also spelled as Oskar) Levi. 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' or power of attorney holder's names match or are substantially similar to that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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 1000548

Bank 1's records indicate that Account Owner 1 was Oscar Levi who resided in France. Furthermore, Bank 1's records also indicate the dates of opening and closing of the account at issue.

#### Accounts 1009273 and 1009274

Bank 1's records indicate that Account Owner 2 was Oscar Levy who resided in France. Bank 1's records also indicate Account Owner 2's city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

#### Accounts 5024189 and 5024189.1

Bank 2's records indicate that Account Owner 3 was Erich Loew who resided in Vienna, Austria, and that the Power of Attorney Holders were Oskar Fischel, Guido Fischel and Oskar Loew. Bank 2's records also indicate the Power of Attorney Holders' city and country of residence, and Account Owner 3's and the Power of Attorney Holders' street addresses. Finally, Bank 2's records contain Account Owner 3's and the Power of Attorney Holders' signature samples.

## 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 1000548, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his father was born and married in Germany, where he resided and worked until 1936, when he fled to the United States. In contrast, Bank 1's records show that Account Owner 1 resided in France. In addition, the Claimant stated that his father had a doctor title, while Bank 1's records do not indicate that Account Owner 1 had such a title. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1009273 and 1009274, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his father was born and married in Germany, where he resided and worked until 1936, when he fled to the United States. In contrast, Bank 1's records show that Account Owner 2 resided in France. In addition, the Claimant stated that his father had a doctor title, while Bank 1's records do not indicate that Account Owner 2 had such a title. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5024189 and 5024189.1, the CRT concludes that the Claimant has not identified Power of Attorney Holder Oskar Loew as his relative. Although the name of his father is substantially similar to the published name of Power of Attorney Holder Oskar Loew, the information provided by the Claimant differs materially from the published and unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant stated that his father was born and married in Germany, where he resided and worked until 1936, when he fled to the United States. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different country. In addition, the CRT notes that the Claimant did not identify Account Owner 3 or the other Power of Attorney Holders of these accounts. Furthermore, the Claimant stated that his father had a doctor title, while Bank 2's records do not indicate that the Power of Attorney Holder had such a title. Consequently, the CRT is unable to conclude that Power of Attorney Holder Oskar Loew and the Claimant's father are the same person. Moreover, it should be noted that the CRT awarded the accounts to a claimant who plausibly identified Account Owner 3 as her relative. A copy of the award -- In re Account of Erich Loew and Firma Herzfeld & Fischel-- is enclosed.

The CRT also notes 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 Power of Attorney Holder Oskar Loew, but not Account Owner 3 as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank 2'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: The Claims Resolution Tribunal, P.O. Box 1874, Old Chelsea Station, New York, NY 10113, 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 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  
18 August 2004