

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants [REDACTED 1]

and [REDACTED 2]

[REDACTED 2] is also acting on behalf of [REDACTED]

in re Accounts of Hermann Levin

Claim Numbers: 214767/SB; 220681/SB¹

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Hermann Levin (Lewin).² This Denial is to the published accounts of Hermann Levin (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 Claimants

The Claimants each submitted a Claim Form asserting that their relative, Hermann Levin, who was married to [REDACTED], owned a Swiss bank account. The Claimants stated that their relative, who was Jewish, resided in Berlin, Germany until his deportation to Theresienstadt, where he perished on 17 March 1943. Claimant [REDACTED 1] indicated that he was born on 16 July 1937 in Lodelinsart, Belgium and Claimant [REDACTED 2] indicated that he was born on 26 March 1954 in Charleroi, Belgium.

Claimant [REDACTED 1] submitted documents in support of his claim, including a certificate of inheritance, dated 4 July 1995, which indicates that Hermann Lewin was married to [REDACTED].

¹ 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 Claimants in one proceeding.

² The CRT did not locate an account belonging to Hermann 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.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Hermann Levin. 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 two accounts whose owner's name matches that provided by the Claimants. 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 5029848 and 5035986

The Bank's records indicate that the Account Owner was Hermann Levin, who resided in Berlin, Germany, and that the Power of Attorney Holder was Sylvia Levin-Jacobi. The Bank's records also indicate the Account Owner's street address and the name of his spouse. Furthermore, the Bank's records indicate Power of Attorney Holder Sylvia Levin-Jacobi's street address, city and country of residence. Finally, the Bank's records indicate the dates of closing of the accounts at issue and contain the Account Owner's and Power of Attorney Holder Sylvia Levin-Jacobi's signatures.

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 Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their relative matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their relative was married to [REDACTED]. In contrast, the Bank's records show that the Account Owner was married to a different person. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' relative are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants

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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
2 June 2006