

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Chana Basza Löb
represented by Gila Sella

in re Account of Ludwig Löb¹

Claim Number: 002115/MG

This Certified Denial is based on the claim of Chana Basza Löb, née Lebendykier, (the “Claimant”) to the published account of Ludwig Löb (the “Power of Attorney Holder”) at the [REDACTED] (the “Bank”).

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 Form asserting that her husband, Ludwig Löb, who was born on 28 April 1912 in Darmstadt, Germany, and was married to her on 5 February 1938 in Tel Aviv, Palestine (today Israel), owned a Swiss bank account. The Claimant stated that her husband, who was Jewish, resided in Darmstadt until 1935, when he fled from Germany to France, and then to Palestine. The Claimant also stated that her husband was a manager in the automobile industry. The Claimant further stated that her husband died on 20 December 1996 in Israel. The Claimant indicated that she was born on 28 March 1913.

The Claimant submitted documents in support of her application, including: (1) her husband’s German passport indicating that his date of birth was 28 April 1912; and (2) her husband’s death certificate.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ludwig Löb. The auditors who carried out the investigation to identify accounts of Victims of

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Ludwig Löb is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence that Ludwig Löb was only a Power of Attorney Holder to the account.

Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported one account whose owner’s name matches that provided by the Claimant. The 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 5034303

The Bank’s records indicate that the Power of Attorney Holder was Ludwig Löb, who resided in Darmstadt, Germany. The Bank’s records also indicate the Power of Attorney Holder’s exact date of birth. In addition, the Bank’s records indicate the name of another person who owned the account and had the same last name as the Power of Attorney Holder. Furthermore, the Bank’s records indicate the date on which the power of attorney was signed. Finally, the Bank’s records contain the signature of the person who owned the account.

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 Power of Attorney Holder

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her husband 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 the Bank’s records. Specifically, the Claimant stated and submitted documents which indicate that her husband was born on 28 April 1912. In contrast, the Bank’s records show that the Power of Attorney Holder was born in a different decade. In addition, the CRT notes that the Claimant did not identify the name of the person who owned the account, although he had the same last name as the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant’s husband are the same person.

In addition, the CRT notes that the Claimant did not identify the account owner 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 the account owner, as her relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank’s records that the Power of Attorney Holder and the account owner 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 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 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
15 July 2005