

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Rosy Marx
and
Accounts of Rosa Marx
and
Accounts of Hermann Weil
and
Accounts of J. Weil**

Claim Number: 601060/AX¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Rosa Weil, née Marx, Herman Weil, and Julia Weil. This Denial is to the published accounts of Rosy Marx (“Account Owner 1”), the published accounts of Rosa Marx (“Account Owner 2”) the published accounts of J. Weil (“Account Owner 3”), and the published account of Hermann Weil (“Account Owner 4”) all at the [REDACTED] (“Bank 1”), and the published account of Hermann Weil (“Account Owner 5”) at the [REDACTED] (“Bank 2”).²

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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her mother, Rosa Weil, née Marx, who was born on 8 August 1884, in Hohebach, Germany, and was married to [REDACTED] on 29 March 1914, owned a Swiss bank account. The Claimant indicated that her mother, who was Jewish, resided in Buchau am Federsee, Germany.

¹ The Claimant submitted a claim, numbered B-01849, on 11 June 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601060.

² The CRT did not locate an account belonging to Julia Weil, 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”).

The Claimant indicated that her mother assisted in her father's cattle dealership until his death in 1932. The Claimant further indicated that her mother was deported to a concentration camp, where she perished in November 1941.

The Claimant also asserted that her uncle and aunt, Herman and Julia Weil owned Swiss bank accounts. The Claimant indicated that Herman and Julia Weil also resided in Buchau. In a telephone conversation with the CRT on 15 September 2005, the Claimant's daughter, [REDACTED], indicated that Herman Weil worked as a livestock trader in Buchau. [REDACTED] further indicated that Herman Weil was deported to a concentration camp, but was released and died shortly after his release.

The Claimant indicated that she was born on 5 February 1917 in Buchau.

The Claimant submitted documents in support of her application, including her birth certificate indicating that her mother was Rosa Weil, née Marx.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Rosa Weil, née Marx, Julia Weil, and Herman Weil. 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 ten accounts whose owners' names match those 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 1012170 and 1012171

Bank 1's records indicate that Account Owner 1 was Rosy Marx, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 1012166, 1012167, 1012168, and 1012169

Bank 1's records indicate that Account Owner 2 was Rosa Marx. Bank 1's records also indicate Account Owner 2's country and city of residence, and Account Owner 2's maiden name. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 1013663 and 1013664

Bank 1's records indicate that Account Owner 3 was J. Weil, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence and an additional country and city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 1000198

Bank 1's records indicate that Account Owner 4 was Hermann Weil, who resided in Stuttgart, Germany. Bank 1's records also indicate Account Owner 4's professional title. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Account 4019850

Bank 2's records indicate that Account Owner 5 was Hermann Weil, who resided in Germany. Bank 2's records also indicate Account Owner 5's city of residence. Furthermore, Bank 2's records indicate the date of opening and closing of the account at issue.

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 Accounts 1012170 and 1012171, the CRT concludes that the Claimant has not identified Account Owner 1 as her mother. Although the name of her mother matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 contained in Bank 1's records. Specifically, the Claimant indicated that her mother resided in Buchau am Federsee, Germany. In contrast, Bank 1's records indicate that Account Owner 1 resided in a different, major city in Germany, located over 250 kilometers from Buchau am Federsee, and to which the Claimant's mother had no connection. The CRT further notes that Account Owner 1's city of residence is not the closest major city to Buchau, making it unlikely that without a connection to this city, the Claimant's mother would have opened a bank account using this city as her city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Accounts 1012166, 1012167, 1012168, and 1012169, the CRT concludes that the Claimant has not identified Account Owner 2 as her mother. Although the name of her mother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 contained in Bank 1's records. Specifically, the Claimant indicated that her mother's maiden name was Marx. In contrast, Bank 1's records indicate that Account Owner 2 had a different maiden name. Furthermore, the Claimant indicated that her mother resided in Buchau am Federsee, Germany. In contrast, Bank 1's records indicate that Account Owner 2 resided in a different city located over 300 kilometers from Buchau, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

As for Accounts 1013663 and 1013664, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her aunt matches the published first initial and last name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 contained in Bank 1's records. Specifically, the Claimant indicated that her aunt resided in Buchau am Federsee, Germany. In contrast, Bank 1's records indicate that the Account Owner resided in a different city located over 200 kilometers from Buchau, to which the Claimant's aunt had no connection. The CRT further notes that Account Owner 3's city of residence is not the closest major city to Buchau, making it unlikely that without a connection to this city, the Claimant's aunt would have opened a bank account using this city as his city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's aunt are the same person.

As for Account 1000198, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her uncle matches the published name of Account Owner 4, the information provided by the Claimant differs from the unpublished information about Account Owner 4 contained in Bank 1's records. Specifically, the Claimant indicated that her uncle was a livestock trader and did not indicate any professional titles held by her uncle. In contrast, Bank 1's records indicate that Account Owner 4 had a professional title, which is not consistent with the profession of a livestock trader. Furthermore, the Claimant indicated that her uncle resided in Buchau am Federsee, Germany. In contrast, Bank 1's records indicate that Account Owner 4 resided in a different city. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's uncle are the same person.

As for Account 4019850, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her uncle matches the published name of Account Owner 5, the information provided by the Claimant differs from the published information about Account Owner 5 contained in Bank 2's records. Specifically, the Claimant indicated that her relative resided in Buchau am Federsee, Germany. In contrast, Bank 2's records indicate that Account Owner 5 resided in a different city, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 5 as her relative and who correctly identified Account Owner 5's city of residence. All decisions are published upon release on the CRT's website at www.crt-ii.org.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified 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). The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Rosa Weil's, Herman Weil's and Julia Weil's surnames, which include Julia Weill, and has determined that this account does not belong to the Claimant's relative.

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 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
30 November 2005