

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Stephen Harnik

in re Accounts of Hermann May

Claim Number: 500812/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Hermann May (von May).² This Denial is to the published accounts of Hermann May (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 father’s cousin, Hermann May, who was born on 14 November 1894, owned a Swiss bank account. The Claimant stated that his cousin, who was Jewish, was an engineer and that from 1930 until after the end of the Second World War he resided in Vienna, Austria. The Claimant further stated that his cousin died on 10 August 1979 in Vienna. The Claimant indicated that he was born on 26 June 1928 in Pecs, Hungary.

The Claimant submitted documents in support of his claim, including a copy of the declaration made by his cousin pursuant to the decree on 26 April 1938 requiring all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). This

¹ The Claimant submitted three additional claims, which are registered under the Claim Numbers 500811, 500813 and 500814. In separate decisions, the CRT denied the Claimant's claims to the accounts of Margarete Fischer and awarded the accounts of Fritz May to the Claimant. See *In re Accounts of Margarete Fischer* and *In re Accounts of Fritz May* (approved on 11 April 2005 and 31 December 2005, respectively). The CRT will treat the remaining claim in a separate determination.

² The CRT did not locate an account belonging to Hermann von May 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”).

record, numbered 20447, indicates Hermann May's date of birth, marital status and street address in Vienna.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hermann May. 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 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 1012178 to 1012181

The Bank's records indicate that the Account Owner was Hermann May, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence in Germany, and the Account Owner's other city of residence in a different country. Furthermore, the Bank's records indicate the dates of closing for the accounts 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that from 1930 until after the end of the Second World War his cousin resided in Vienna, Austria. In contrast, the Bank's records show that during this period the Account Owner resided in Germany and another country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified the Account Owner as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
7 June 2006