

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Steven Oster

**in re Account of L. Mayer  
and  
Account of Max Schlenker  
(Power of Attorney Holder L. Mayer)<sup>1</sup>**

Claim Number: 400721/SB

This Certified Denial is based on the claim [REDACTED] (the “Claimant”) to the published account of L. Mayer (“Account Owner 1”) at the [REDACTED] (the “Bank”) and to the account of Max Schlenker (“Account Owner 2”), over which L. Mayer (the “Power of Attorney Holder”) held power of attorney, also at 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 in 2005 asserting that her maternal grandfather, Louis Mayer, who was born on 28 September 1857 in Bodenheim, Germany, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, was a cattle dealer who resided in Bodenheim until 1936 and then Mainz, Germany, until his death on 27 July 1938. The Claimant indicated that she was born on 7 May 1926 in Mainz.

## **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Louis Mayer. 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

---

<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, as indicated on the List of Account Owners Published in 2005 (the “2005 List”), are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

(“ICEP” or the “ICEP Investigation”) reported two accounts whose owner’s or, power of attorney holder’s, names as published on the 2005 List, match 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.

#### Account 5035983

The Bank’s records indicate that Account Owner 1 was L. Mayer. The Bank’s records also indicate Account Owner 1’s full name and gender. Furthermore, the Bank’s records indicate the names of two joint account owners and contains the signatures of Account Owner 1 and the joint account owners.

#### Account 5029983

The Bank’s records indicate that Account Owner 2 was Max Schlenker, and that the Power of Attorney Holder was L. Mayer. The Bank’s records also indicate the Power of Attorney Holder’s full name and gender. Furthermore, the Bank’s records indicate the date of 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 Account 5035983, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published first name initial and last name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank’s records. Specifically, the Claimant claimed an account belonging to her grandfather. In contrast, the Bank’s records show that Account Owner 1 was female. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant’s grandfather are the same person.

As for Account 5029983, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandfather matches the published first name initial and last 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 claimed an account belonging to her grandfather. In contrast, the Bank’s records show that the Power of Attorney Holder was female. Consequently, the CRT is unable to conclude that Power of Attorney Holder and the Claimant’s grandfather are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 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 Account Owner 2, 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 Account Owner 2 were related.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

#### **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  
19 March 2007