

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Max Müller
and Account of Max Müller**

Claim Number: 601274/MBC¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Maximillian (Max) Müller. This denial is to the published account of Max Müller (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Max Müller (“Account Owner 2”), over which Luisa Müller (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 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 his father, Maximillian (Max) Müller, who was born on 18 January 1880 in Cluj, Hungary (now Romania), and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his father resided in Slovakia and was a manufacturer of *kosher* meat, which he exported to Switzerland. The Claimant stated that his father, who was Jewish, perished in Auschwitz in 1944. The Claimant indicated that he was born on 29 December 1912 in Kosice, Slovakia.

The Claimant submitted his birth certificate in support of his application, indicating that he was born in Slovakia to Maximillian Müller.

¹ The Claimant submitted a claim, numbered B-01580, on 27 November 1998, 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 601574.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Maximillian (Max) Müller. 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 owners' names 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 2016335

Bank 1's records indicate that Account Owner 1 was Max Müller, who resided in Chemnitz, Germany. Bank 1's records also indicate the second half of Account Owner 1's last name, and Account Owner 1's profession.

Account 5023698

Bank 2's records indicate that Account Owner 2 was Max Müller, who resided in Plauen, Germany and that the Power of Attorney Holder was Luisa Müller. Bank 2's records also indicate the relationship between Account Owner 1 and the Power of Attorney Holder, and the name of Account Owner 2's wife. Furthermore, Bank 2's records indicate the date of opening 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 2016335, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. The information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the last name of the Claimant's father differs from the unpublished second half of the hyphenated last name of Account Owner 1. Furthermore, the Claimant stated that his father was a manufacturer of *kosher* meat in Slovakia. In contrast, Bank 1's records show that Account Owner 1 resided in Germany and had a different profession. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5023698, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and

unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his father resided in Slovakia and was married to [REDACTED], née [REDACTED]. In contrast, Bank 2's records show that Account Owner 2 resided in Germany and was married to a different person. Furthermore, the Claimant did not identify the power of attorney holder. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

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(s) which form(s) 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
21 September 2005