

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Irene Zipper
also acting on behalf of Joyce Nathan

in re Account of Erich Nathan

Claim Number: 221256/SB¹

This Certified Denial is based on the claim of Irene Zipper, née Nathan, (the Claimant) to the account of Erich (Eric, Ernest) Nathan.² This Denial is to the published account of Erich Nathan (“the Account Owner”) 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 father, Erich Nathan, who was born on 1 April 1905 in Frankfurt am Main, Germany, and was married to Anna Benedikt on 29 November 1945 in Paris, France, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a sales agent who resided in Berlin, Germany until 1933, when he fled Germany to France. The Claimant further stated that at the beginning of the Second World War, her father was interned in a work camp at Albi/Tarn, and that he escaped in 1942 and fled to Switzerland, where he remained until the end of the War. The Claimant stated that her father died on 4 May 1972 in New York, New York, the United States. The Claimant indicated that she was born on 24 November 1946 in Paris.

The Claimant submitted documents in support of her claim, including her father’s French identity papers issued on 25 September 1938.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 221255. The CRT will treat this claim in a separate determination.

² The CRT did not locate an account belonging to Eric (Ernest) Nathan 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).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Erich Nathan. 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 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 1000172

The Bank's records indicate that the Account Owner was Erich Nathan, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence in Germany and 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father resided in Berlin, Germany until 1933, when he fled to France. In contrast, the Bank's records show that the Account Owner was residing in a city in Germany several years after 1933, to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that the Account Owner 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, 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
7 June 2006