

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Frida Nathan  
(Power of Attorney Holder Oskar Nathan)**

Claim Number: 216558/SB<sup>1,2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Frida Nathan (the “Account Owner”), over which Oskar Nathan (the “Power of Attorney Holder”) held power of attorney, 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 her cousin, Oscar (Oskar) Nathan,<sup>3</sup> who was born on 3 November 1898 in Münstereifel, Germany, was a power of attorney holder to a Swiss bank account. The Claimant stated that her cousin, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], and was a businessman who resided in Münstereifel. The Claimant further stated that in 1942, her cousin was deported to Minsk (today Belarus), where he perished. The Claimant indicated that she was born on 11 October 1926 in Münstereifel.

The Claimant submitted documents in support of her claim, including a detailed family tree, charting three generations of the Nathan family, which indicate that Oskar Nathan’s mother was [REDACTED], née [REDACTED].

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<sup>1</sup> The Claimant submitted six additional claims, which are registered under the Claim Numbers 216557, 216559, 223674, 223675, 223734 and 223735. In separate decisions, the CRT awarded the accounts of Emil Jacob and Louis Spier to the Claimant. See *In re Accounts of Emil Jacob-Cahn* (approved on 4 July 2005) and *In re Accounts of Louis Spier* (approved on 1 July 2002). The CRT will treat the remaining claims in separate determinations.

<sup>2</sup> The Claimant submitted four Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and under the consolidated Claim Number 216557.

<sup>3</sup> The CRT did not locate an account belonging to Oscar (Oskar) 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, Oskar 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 two accounts whose power of attorney holder'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 5024821 and 5029465

The Bank's records indicate that the Account Owner was Frida Nathan, née Renner, who resided in Berlin, Germany, and that the Power of Attorney Holder was Oskar Nathan. The Bank's records also indicate the name of a second power of attorney holder, Henry Nathan, and the Account Owner's street address in Berlin and date of death. Further, the Bank's records indicate the Power of Attorney Holder's street address, city and country of residence, together with the name of his mother. Furthermore, the Bank's records indicate the dates of closure of the accounts at issue and contain the Account Owner's signature.

## **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 Power of Attorney Holder as her relative. Although the name of her cousin matches the published 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 stated that the name of her cousin's mother was [REDACTED], née [REDACTED]. In contrast, the Bank's records show that the Power of Attorney Holder's mother had a different name. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's cousin are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner 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 the Account Owner, 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 the Account Owner were related.

### 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  
8 August 2006