

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Alexandra Bryk-Cardarelli

**in re Account of Karl Neumann
and
Account of Robert Schwarz
(Power of Attorney Holder Franz Neumann)**

Claim Number: 401955/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Franz (Carl) Neumann.² This Denial is to the published accounts of Karl Neumann (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Robert Schwarz (“Account Owner 2”), over which Franz Neumann (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 Form in 2005 asserting that her cousin, Franz (Carl) Neumann, who was born on 12 February 1889 in Vienna (today Austria), owned a Swiss bank account. The Claimant stated that her cousin, who was Jewish, was a businessman who never married and resided in Vienna until 1938 when he fled Austria to the United States. The Claimant indicated that she was born on 1 October 1910 in Vienna.

¹ The Claimant submitted seven additional claims, which are registered under the Claim Numbers 221250, 221251, 221252, 221253, 221254 and 401943. In separate decisions, the CRT awarded the accounts of Martha Neumann to the Claimant. See *In re Account of Martha Neumann* (approved on 26 November 2002) and *In re Account of Martha Neumann* (approved on 24 December 2004). The CRT will treat the remaining claims in separate determinations.

² The CRT did not locate an account belonging to Franz (Carl) Neumann 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, Franz (Carl) Neumann. 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, or power of attorney holder's, 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.

Accounts 1012434, 1012435 and 1012436

Bank 1's records indicate that Account Owner 1 was Karl Neumann. Bank 1's records also indicate Account Owner 1's profession and city and country of residence, together with the dates of closing of the accounts at issue.

Account 5024426

Bank 2's records indicate that Account Owner 2 was Robert Schwarz, who resided in Vienna, Austria, and that the power of attorney holders were Franz Neumann and Hedda Schwarz. Bank 2's records also indicate Account Owner 2's profession and street address in Vienna. Bank 2's records further indicate the Power of Attorney Holder's professional or academic title and power of attorney holder Hedda Schwarz's street address, city and country of residence, together with the power of attorney holders' relationship to Account Owner 2. Finally, Bank 2's records contain the signatures of Account Owner 2 and both power of attorney holders.

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 Accounts 1012434, 1012435 and 1012436, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her cousin matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her cousin resided in Austria and the United States. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's cousin are the same person.

As for Account 5024426, 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 Bank 2's records. Specifically, the Claimant did not indicate that her cousin held a professional or academic title. In contrast, Bank 2's records show that the Power of Attorney Holder held such a title. 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 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 Bank 2's records that the Power of Attorney Holder and Account Owner 2 were related. Moreover, it should be noted that the CRT has awarded the account to another claimant, who definitely identified Account Owner 2 as their relative, including identifying Account Owner 2's street address in Vienna. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
23 March 2007