

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Beila Nussbaum
(Power of Attorney Holder Moses Nussbaum)¹**

Claim Number: 601147/AC²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Ela (Eli) Shainman (Szajnman).³ This Denial is to the published account of Beila Nussbaum (“Account Owner Beila Nussbaum”), over which Moses Nussbaum (“Power of Attorney Holder Moses Nussbaum”) held power of attorney at the [REDACTED] (the “Bank”).⁴

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 maternal uncle, Ela (Eli) Shainman (Szajnman), who was married to [REDACTED], owned a Swiss bank account. According to the Claimant, his uncle, who was Jewish, owned or managed a successful flour mill in Radzyn Podlaski, Poland, and he traveled frequently on business. He indicated that his uncle’s account may have been opened on his behalf by associates named [REDACTED] or [REDACTED], or with the surname [REDACTED]; the Claimant was unable to provide additional information about his uncle’s associates, and did not indicate that they were related to his uncle. According to information provided by the Claimant, his aunt and uncle were deported to Treblinka, where they perished in 1942. The Claimant indicated that he was born on 6 February 1929 in County Essex, United Kingdom.

¹ 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 are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted a claim, numbered B-00028, on 18 September 1997, 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 601147.

³ The CRT will treat the claim to this account in a separate determination.

⁴ In this claim, the Claimant also claimed the accounts of Ferenecne Erzsebet Kovacs, Adam Ciepielewski, *The Industrial Company*, and *Zarotsky Shoe Repair*. The CRT will treat the claim to these accounts in separate determinations.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ela (Eli) Shainman (Szajnman), which was possibly opened by an associate named [REDACTED]. 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 power of attorney holder'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 5029472

The Bank's records indicate that the Account Owner was Beila Nussbaum, who resided in Krakow, Poland, and that the Power of Attorney Holder was Moses Nussbaum. Furthermore, the Bank's records indicate the year in which power of attorney was granted to the Power of Attorney Holder.

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 Account Owner Beila Nussbaum or Power of Attorney Holder Moses Nussbaum as his relative. Specifically, the CRT notes that the Claimant did not mention or identify a person named Beila Nussbaum, and that the Claimant did not indicate that either Beila Nussbaum or Moses Nussbaum was related to his uncle.

In addition, the CRT notes that the Claimant did not identify the Account Owner as his 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 his 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 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