

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Julius Oppenheimer

Claim Number: 220834/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of two individuals named Julius Oppenheimer (“Account Owner 1” and “Account Owner 2”) 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 great-uncle, Julius Oppenheimer, who was born in Cologne, Germany, and married [REDACTED] in Cologne, owned a Swiss bank account. The Claimant stated that her great-uncle, who was Jewish, was a businessman who resided in Cologne and that he perished in 1943 in the Bergen-Belsen concentration camp. The Claimant indicated that she was born on 24 December 1954 in Cincinnati, Ohio, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Julius Oppenheimer. 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 five 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.

¹ The Claimant submitted four additional claims, which are registered under the Claim Numbers 220830, 220831, 220832 and 220833. The CRT will treat these claims in separate determinations.

Accounts 1012674 and 1012675

The Bank's records indicate that Account Owner 1 was Julius Oppenheimer, who resided in Germany. The Bank's records also indicate Account Owner 1's city of residence in Germany and the name of a joint account owner. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

Accounts 1012676, 1012677 and 1012678

The Bank's records indicate that Account Owner 2 was Julius Oppenheimer, who resided in Germany. The Bank's records also indicate Account Owner 2's city of residence in Germany and the dates of closing of the accounts 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 Accounts 1012674 and 1012675 the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her great-uncle 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 the Bank's records. Specifically, the Claimant stated that her great-uncle resided in Cologne, Germany. In contrast, the Bank's records show that Account Owner 1 resided in a city which is over 150 kilometers from Cologne. The CRT further notes that the Claimant did not identify the joint account owner, even though this person appears to be very closely related to Account Owner 1. The CRT further notes that both Cologne and Account Owner 1's city of residence are major cities, rendering it unlikely that a resident of one city would indicate the other distant city as their place of residence, even for the purposes of maintaining a Swiss bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-uncle are the same person.

As for Accounts 1012676, 1012677 and 1012678 the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her great-uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her great-uncle resided in Cologne, Germany. In contrast, the Bank's records show that Account Owner 2 resided in a city which is over 150 kilometers from Cologne. The CRT notes that that Cologne is a major city, whereas Account Owner 2's place of residence is a large town, and that there is another major city between Account Owner 2's place of residence and Cologne, rendering it unlikely that a resident of Cologne would indicate Account Owner 2's distant town as their place of residence, even for the

purposes of maintaining a Swiss bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-uncle are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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
27 February 2007