

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Berthold Peisach-Weiss

Claim Number: 670000/OW¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Berthold Weiss. This Denial is to the published account of Berthold Peisach-Weiss (the “Account Owner”) at the [REDACTED] (the “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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her paternal grandfather, Berthold Weiss, who was born in 1860 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant indicated that her grandfather, who was Jewish, lived at Kaiserin Augustastraße 73 in Berlin, Germany. The Claimant further stated that her grandfather died on 23 October 1936, in Berlin. The Claimant indicated that she was born on 25 January 1937 in Prague, Czechoslovakia (today the Czech Republic).

The Claimant submitted documents in support of her application, including (1) a copy of her grandfather's business card, indicating that he resided at Kaiserin Augustastraße 73, in Berlin; and (2) a copy of an application submitted to a German court by the executor of Berthold Weiss's estate, indicating that he died, and had previously resided, in Berlin.

¹ The Claimant submitted a claim, numbered B-01800, 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 670000.

² The CRT did not locate an account belonging to Berthold Weiss 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, Berthold Weiss. 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 4019884

The Bank's records indicate that the Account Owner was Berthold Peisach-Weiss. The Bank's records also indicate the Account Owner's city and country of residence, and his professional title. Furthermore, the Bank's records indicate the dates of opening and 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 grandfather matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her grandfather resided in Berlin, Germany. In contrast, the Bank's records show that the Account Owner resided in a different city, which is over 500 kilometers from Berlin, and to which the Claimant did not establish any connection. Furthermore, the Bank's records indicate that the Account Owner used the name of "Peisach," which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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 that 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
21 September 2005