

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED] and [REDACTED]

**in re Account of Edith Pollak
(Edith Silberer)
and
Account of Edith Pollak
(Edith Ehrenstein)
and
Accounts of E. Pollak
and
Accounts of Maria Schön and Wilhelm Schön
(Power of Attorney Holder E. Pollak)¹**

Claim Number: 223317/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED]. This Denial is to the published account of Edith Pollak (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Edith Pollak (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published accounts of E. Pollak (“Account Owner 3”) at the [REDACTED] (“Bank 3”), and to the published accounts of Maria Schön and Wilhelm Schön (“Account Owner 4” and “Account Owner 5”), over which E. Pollak (the “Power of Attorney Holder”) held a power of attorney, at 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.

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 substantially similar to those of the Claimant’s relatives, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 223312, 223313, 223314, 223315, 223316, 223318 and 223319 respectively. In separate decisions, the CRT has awarded the Claimant the accounts of [REDACTED] and [REDACTED], [REDACTED], [REDACTED], and [REDACTED] treated the claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. See *In re Account of [REDACTED] and [REDACTED]* (approved on 25 October 2002), *In re Account of [REDACTED]* (approved on 23 June 2003), *In re Account of [REDACTED]* (approved on 6 February 2004), and *In re Account of [REDACTED]* (approved on 31 December 2003). The CRT will treat the remaining claims to the accounts of [REDACTED] and [REDACTED] in separate determinations.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his maternal aunt, [REDACTED], who was born on 18 August 1910, in Duba, Austria-Hungary (later Czechoslovakia, now Czech Republic), owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, resided in Duba, Prague and Jachymov, Czechoslovakia, and at some time resided at her grandparents' home in Vienna, Austria. The Claimant further stated that his aunt never married and perished in Auschwitz in 1943. The Claimant stated that he was born on 25 May 1943 in Antibes, France.

The Claimant submitted documents in support of his claim, including [REDACTED]'s birth certificate.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, [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 six accounts whose owners' names and three accounts whose power of attorney holder's name 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.

Account 2016780

Bank 1's records indicate that Account Owner 1 was Edith Pollak, who resided in Switzerland. Bank 1's records also indicate Account Owner 1's alternative name of Edith Silberer, her maiden name, her city of residence in Switzerland and her nationality. Bank 1's records further indicate the name of a person who held power of attorney over the account at issue and this person's street address, city and country of residence and relationship to Account Owner 1. Finally, Bank 1's records contain Account Owner 1's signature.

Account 5034856

Bank 2's records indicate that Account Owner 2 was Edith Pollak, who resided in Vienna, Austria. Bank 2's records also indicate Account Owner 2's alternative name, Edith Ehrenstein, her marital status, maiden name and cities of residence in another country. Furthermore, Bank 2's records indicate the name of a person who jointly owned the account at issue and this person's relationship to Account Owner 2. Bank 2's records also indicate the date of opening of the account at issue. Finally, Bank 2's records contain Account Owner 2's and the joint account owner's signatures.

Accounts 1009066, 1009067, 1009068 and 1009069

Bank 3's records indicate that Account Owner 3 was E. Pollak, who resided in France. Bank 3's

records also indicate Account Owner 3's cities of residence. Furthermore, Bank 3's records indicate the dates of closing of the accounts at issue.

Accounts 5024817, 5033899 and 5033900

Bank 2's records indicate that Account Owner 4 was Maria Schön and Account Owner 5 was Wilhelm Schön, both of whom resided in Vienna, Austria, and that the Power of Attorney Holder was E. Pollak. Bank 2's records also indicate the Power of Attorney Holder's gender, city and country of residence.

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 Account 2016780, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his aunt never married and resided in Czechoslovakia and Austria. In contrast, Bank 1's records show that Account Owner 1 was married, had a different maiden name, and resided in Switzerland. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5034856, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt 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 Bank 2's records. Specifically, the Claimant stated that his aunt never married and resided in Czechoslovakia and Vienna, Austria. In contrast, Bank 2's records show that Account Owner 2 was married, and also resided in another country, which the Claimant did not identify. The CRT also notes that the Claimant did not identify the joint account owner, even though this individual appears to be related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants who plausibly identified Account Owner 2 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 1009066 to 1009069, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his aunt matches the published first name initial and last name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in

Bank 3's records. Specifically, the Claimant stated that his aunt resided in Czechoslovakia and Austria. In contrast, Bank 3's records show that Account Owner 3 resided in France. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's aunt are the same person.

As for Accounts 5024817, 5033899 and 5033900, the CRT concludes that the Claimant has not identified Power of Attorney Holder as his relative. Although the name of his aunt matches the published first name initial and last name of the Power of Attorney, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney available in Bank 2's records. Specifically, the Claimant is claiming the account of his aunt. In contrast, Bank 2's records show that the Power of Attorney was a male. Consequently, the CRT concludes that the Power of Attorney and the Claimant's aunt are not the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 4 or Account Owner 5 as his relatives, 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 4 and Account Owner 5, as his relatives, 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 4 and Account Owner 5 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 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 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
23 January 2006