

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Frieda Richter
(Power of Attorney Holder Otto Richter)**

Claim Number: 218341/SB; 218342/SB¹

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Frieda Richter (the “Account Owner”), over which Otto Richter (the “Power of Attorney Holder”) held power of attorney, 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 Form asserting that her maternal aunt, Frieda Richter, née Ulrich, who was born prior to 1893, owned a Swiss bank account, over which her maternal aunt's husband, Otto Richter, who was also born prior to 1893, held power of attorney. The Claimant stated that her aunt and uncle resided in Berlin, Germany, where her uncle was an industrialist. The Claimant further stated that her aunt died in approximately 1925 and that her uncle, who survived her and who was Jewish, was deported to the Oranienburg-Sachsenhausen concentration camp, where he perished in 1937. The Claimant indicated that she was born on 20 September 1920 in Witterswil, Switzerland.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Frieda Richter.

¹ The Claimant submitted an additional claim to the account of Karl Schmeidler, which is registered under the Claim Number 218343. The CRT will treat the claim to this account in a separate determination.

² In this claim, the Claimant also claimed the accounts of Otto Richter, Karl Schmeidler, and Franzesco Ulrich. In a separate decision, the CRT awarded the account of Otto Richter. See *In re Account of Otto Richter* (approved on 4 April 2003). The CRT will treat the claim to the account of Franzesco Ulrich in a separate determination.

The Claimant submitted documents in support of her application, including the marriage certificate of her mother, [REDACTED], which indicates that her maiden name was [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Frieda Richter. 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 5024188

The Bank's records indicate that the Account Owner was Frieda Richter (*Frl.* (Miss) Frieda Lehnig), who resided in Cottbus, Germany and that the Power of Attorney Holder was Otto Richter. The Bank's records also indicate the Account Owner's street address, relationship to the Power of Attorney Holder, and the date on which the power of attorney was granted. The Bank's records also indicate the Power of Attorney Holder's street address, city, and country of residence. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

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 aunt 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 aunt's maiden name was Ulrich and that she died in approximately 1925. In contrast, the Bank's records show that the Account Owner's maiden name was Lehnig and that she was alive several years after 1925. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt are the same person. The CRT also notes that the Claimant has not identified the Power of Attorney Holder. The Claimant stated that her uncle, Otto Richter, resided in Berlin, Germany, whereas the Bank's records indicate that the Power of Attorney Holder resided in another city which is over 100 kilometers from Berlin, a city which the Claimant did not identify. The CRT notes that the Claimant's uncle's city of residence, Berlin, is a major German city, rendering it unlikely that the Claimant's uncle would indicate a

distant, small town as his city of residence, including for purposes of maintaining a bank account. The CRT is therefore unable to conclude that the Power of Attorney Holder and the Claimant's uncle 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 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 her claims 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
30 November 2005