

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

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

**in re Account of Richard Richter
(Power of Attorney Holder Martha Richter)
and
Accounts of Marie Richter
and
Account of Albert Richter
(Power of Attorney Holder Maria Richter)¹**

Claim Number: 221192/SB²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant) to the accounts of Martha (Marie, Maria) Richter and Richard Richter. This Denial is to the published account of Richard Richter (“Account Owner 1”), over which Martha Richter (“Power of Attorney Holder 1”) held power of attorney, at the [REDACTED] (“Bank 1”), to the published accounts of two individuals named Marie Richter (“Account Owner 2” and “Account Owner 3”) at Bank 1 and at the [REDACTED] (“Bank 2”), and to the published account of Albert Richter (“Account Owner 4”), over which Maria Richter (“Power of Attorney Holder 2”) held power of attorney, at Bank 1.

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, Martha (Marie, Maria) Richter, née von Vanselow, and her aunt’s brother-in-law, Richard Richter, who were Jewish, each owned a Swiss bank account. The Claimant stated that her aunt, who was born on 7 February 1892, in Germany, was married to [REDACTED]. According to the Claimant, her aunt

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 those of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted one additional claim, which is registered under the Claim Number 216885. The CRT will treat this claim in a separate determination.

resided in Berlin, Germany and in 1940 fled Germany for Switzerland, where she remained until 1942, after which she resided in Prague, Czechoslovakia (today the Czech Republic) until after the end of the Second World War. The Claimant further stated that her aunt's brother-in-law was born in Germany and fled Germany to Palestine sometime before the outbreak of the Second World War. The Claimant stated that her aunt died on an unknown date in Karlsbad, Germany and that her aunt's brother-in-law died on an unknown date in Jerusalem, Israel. The Claimant indicated that she was born on 21 September 1942 in Myslowitz, Poland.

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

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Martha (Marie, Maria) Richter and Richard 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 five accounts whose owners' and power of attorney holders' names match those 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 5024185

Bank 1's records indicate that Account Owner 1 was Richard Richter, who resided in Callenberg, Germany and that Power of Attorney Holder 1 was Martha Richter. Bank 1's records also indicate Power of Attorney Holder 1's city and country of residence and her familial relationship with Account Owner 1. Furthermore, Bank 1's records indicate the date on which the power of attorney form was signed. Finally, Bank 1's records contain Account Owner 1's and Power of Attorney Holder 1's signatures.

Accounts 1013955 and 1013956

Bank 2's records indicate that Account Owner 2 was Marie Richter. Bank 2's records also indicate Account Owner 2's city and country of residence. Furthermore, Bank 2's records indicate the dates of opening and closing of the accounts at issue.

Account 5033964

The auditors who carried out the ICEP investigation of Bank 1 indicated in their report that Account Owner 3 was Marie Richter, who resided in Hennef, Germany and that the power of attorney holders were Walther Reuther and Werner Reuther. These auditors also indicated Account Owner 3's married name, Marie Reuther. Further, Bank 1's records indicate the names of two individuals who jointly owned the account at issue. Finally, Bank 2's records indicate the cities and countries of residence for the joint account owners and the power of attorney holders.

Account 5024455

Bank 1's records indicate that Account Owner 4 was Albert Richter and that Power of Attorney Holder 2 was Maria Richter. Bank 1's records also indicate Account Owner 4's and Power of Attorney Holder 2's street address, city and country of residence. Furthermore, Bank 1's records indicate the date on which the power of attorney form was signed. Finally, Bank 1's records contain Account Owner 4's and Power of Attorney Holder 2'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 Owners

As for Account 5024185, the CRT concludes that the Claimant has not identified Account Owner 1 and Power of Attorney Holder 1 as her relatives. Although the name of her aunt and her aunt's brother-in-law match the published names of Account Owner 1 and Power of Attorney Holder 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 and Power of Attorney Holder 1 available in Bank 1's records. Specifically, the Claimant stated that her relatives were sister and brother-in-law. In contrast, Bank 1's records show that Account Owner 1 and Power of Attorney Holder 1 had a different familial relationship. Consequently, the CRT is unable to conclude that Account Owner 1 and Power of Attorney Holder 1 and the Claimant's relatives are the same people.

As for Accounts 1013955 and 1013956, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her 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 her aunt resided in Berlin, Germany, Switzerland, and Czechoslovakia. In contrast, Bank 2's records show that Account Owner 2 resided in a small town, which is over 300 kilometers from Berlin, and which is not in Switzerland or Czechoslovakia. The CRT notes that the Claimant's aunt's city of residence, Berlin, is a major German city, whereas Account Owner 2 resided in a small town, rendering it unlikely that the Claimant's aunt would indicate a different, distant small town as her city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt are the same person.

As for Account 5033964, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her aunt matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that her aunt's maiden name was von Vanselow and that her married name was Richter.

In contrast, Bank 1's records show that Account Owner 3's maiden name was Richter. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's relative are the same person.

As for Account 5024455, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 as her relative. Although the name of her aunt matches the published name of Power of Attorney Holder 2, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 2 available in Bank 1's records. Specifically, the Claimant stated that her aunt resided in Germany, Switzerland and Czechoslovakia. In contrast, Bank 1's records show that Power of Attorney Holder 2 resided in a city in a different country. The CRT also notes that the Claimant did not identify Account Owner 4 even though they appear to be closely related to Power of Attorney Holder 2. Consequently, the CRT is unable to conclude that Power of Attorney Holder 2 and the Claimant's relative are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 4 as her 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 Power of Attorney Holder 2, but not Account Owner 4, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 1's records that Power of Attorney Holder 2 and Account Owner 4 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 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
23 February 2006