

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Louise Rolland
and
Account of Louise Werner
and
Accounts of E. Werner**

Claim Numbers: 208894/MBC; 209848/MBC; 601603/MBC^{1,2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Louise Rolland and of Edith Ferenbach. This Denial is to the published account of Louise Rolland (“Account Owner 1”), to the published account of Louise Werner (“Account Owner 2”), and to the published accounts of E. Werner (“Account Owner 3”) all at the [REDACTED] (the “Bank”).³

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 two Claim Forms asserting that his paternal cousins, Louise Rolland, née Werner, and Edith Ferenbach, née Werner, owned a Swiss bank account. The Claimant stated that Louise Rolland and Edith Ferenbach were both born in Austria to [REDACTED], the brother of the Claimant’s father. The Claimant further indicated that his cousins resided in Austria and that they were housewives. The Claimant indicated that Louise Rolland was married to an engineer, [REDACTED], and that Edith Ferenbach was married to an attorney,

¹ The Claimant submitted eight additional claims to the accounts of George (Geo) Rolland, Lisbeth Werner, Bernhard Werner, Heinrich Ferenbach, Mina Werner, Ludwig Werner, Leo Werner, and Frida Werner, which are registered under the Claim Numbers 208893; 208895; 208896; 209849; 210254; 210256; 210527; 210529. The CRT will treat the claims to these accounts in separate determinations.

² The Claimant submitted a claim, numbered B-01155, on 28 August 1998, 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 601603.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Louise Werner is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

[REDACTED]. The Claimant stated that both his cousins were Jewish and that they perished in a death camp. The Claimant indicated that he was born on 17 July 1924 in Austria.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Louise Rolland.

The Claimant submitted a copy of a declaration to the United States District Court for the Eastern District of New York, dated 12 February 2000, declaring that his cousins Louise Rolland and Edith Ferenbach owned a Swiss bank account.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to accounts belonging to his cousins, Louise Rolland and Edith Ferenbach. 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 seven accounts whose owners' 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 1008275

The Bank's records indicate that Account Owner 1 was *Frau* (Mrs.) Louise Rolland. The auditors who conducted the ICEP Investigation at the Bank concluded that Account Owner 1 resided in Germany. The Bank's records also indicate Account Owner 1's maiden name.

Accounts 1013556, 1013557

The Bank's records indicate that Account Owner 2 was Louise Werner, who resided in France. The Bank's records also indicate Account Owner 2's city of residence and profession.

Accounts 1013668, 1013669, 1013670, 1013671

The Bank's records indicate that Account Owner 3 was E. Werner, who resided in Germany. The Bank's records also indicate Account Owner 3's city of residence and title.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 1008275, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his cousin 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 the Bank's records. Specifically, the Claimant stated that his cousin's maiden name was Werner. In contrast, the Bank's records show that Account Owner 1 had a different maiden name. Furthermore, the Claimant stated that his cousin resided in Austria, whereas the auditors who conducted the ICEP Investigation indicated that Account Owner 1 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's cousin are the same person.

As for Accounts 1013556, 1013557, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the maiden name of his cousin matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his cousin was a housewife in Austria. In contrast, the Bank's records show that Account Owner 2 had a different profession and that she resided in France. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's cousin are the same person.

As for Accounts 1013668, 1013669, 1013670, 1013671, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the maiden name of his cousin matches the published 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 the Bank's records. Specifically, the Claimant stated that his cousin was a housewife in Austria. In contrast, the Bank's records show that Account Owner 3 had a different occupation and resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's cousin are the same person.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Louise Rolland's and Edith Ferenbach's surnames, which include Roland, and has determined that these accounts do not belong to the Claimant's relatives.

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, or the alternative surname of the Account Owner identified above, 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 his 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 September 2005