

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of E. Sachs
and
Account of Elie Sachs
and
Accounts of Sachs**

Claim Number: 600795/OW¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED]. This Denial is to the published accounts of E. Sachs (“Account Owner 1”) at the [REDACTED] (“Bank 1”); to the published account of Elie Sachs (“Account Owner 2”) at the [REDACTED] (“Bank 2”); and to the published accounts of Sachs (“Account Owner 3”) at Bank 1.^{2, 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 a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her paternal aunt, [REDACTED], who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her aunt, who was Jewish, resided in Stroppen, Silesia, Germany, (now Strupina, Poland) and in Breslau, Germany, (now Wroclaw, Poland) from where she was deported to a concentration camp. The Claimant stated that her aunt perished in the

¹ The Claimant submitted a claim, numbered B-01324, on 21 September 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 600795.

² The CRT did not locate an account belonging to [REDACTED] 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”).

³ In this claim, the Claimant also claimed the account of [REDACTED]. The CRT will treat this claim in another determination.

Holocaust. The Claimant indicated that she was born on 4 January 1914 in Patschkau, Silesia, Germany (now Paczkow, Poland).

The Claimant submitted documents in support of her application, including: (1) her birth certificate and (2) her correspondence with the Swiss Banking Ombudsman.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her 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 seven accounts whose owners' names match to 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.

Accounts 1011282, 1011283, and 1011284

Bank 1's records indicate that Account Owner 1 was E. Sachs, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and professional title. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 5031100

Bank 2's records indicate that Account Owner 2 was Elie Sachs, who resided in Warsaw, Poland. Bank 2's records also indicate the Account Owner 2's gender. Bank 2's records further indicate that Account Owner 2 held the account jointly with another individual who bore the same last name as Account Owner 2. Finally, Bank 2's records contain Account Owner 2's signature sample.

Accounts 1013179, 1013180, 1013181

Bank 1's records indicate that Account Owner 3 was an individual named Sachs, who resided in Germany. Bank 1's records also indicate Account Owner 3's first name, gender, city of residence and title. Furthermore, Bank 1's records indicate the name of an individual who held the account jointly with Account Owner 3. Finally, Bank 1's records indicate the date of closure of the accounts 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 Owners

As for Accounts 1011282, 1011283, and 1011284, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her aunt matches the published first initial and the last name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her aunt resided in Silesia, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a city in a different region that is located approximately 500 kilometers away from Silesia, and to which the Claimant did not establish any connection. Furthermore, the Claimant did not identify the professional title used by Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5031100, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her aunt is substantially similar to 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 Bank 2's records. Specifically, the Claimant stated that her aunt resided in Silesia, Germany. In contrast, Bank 2's records show that Account Owner 2 was a man, and that he resided in Warsaw, Poland, a country to which the Claimant did not establish any connection. Consequently, the CRT concludes that Account Owner 2 and the Claimant's aunt are not the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 1013179, 1013180, and 1013181, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the last name of her aunt matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that her aunt resided in Silesia, Germany. In contrast, Bank 1's records show that Account Owner 3 was a man, and that he resided in a different city that is located approximately 250 kilometers away from Silesia, and to which the Claimant did not establish any connection. Furthermore, the Claimant did not identify the title used by Account Owner 3. Consequently, the CRT concludes that Account Owner 3 and the Claimant's aunt are not 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 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
21 September 2005