

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

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

**in re Accounts of E. Sachs
and
Accounts of Friedrich Stein
(Power of Attorney Holder Berta Stein)^{1, 2}**

Claim Number: 600246/AV³

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Elsa (Ilse) Ehrlich, née Sachs, and Bertha Stein, née Sachs.⁴ This Denial is to the published accounts of E. Sachs (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published accounts of Friedrich Stein (“Account Owner 2”), over which Berta Stein (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“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 owners, and the banks have been redacted.

¹ 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”), this account owner is identified as “Freidrich Stein.” Upon careful review, the CRT has concluded that this was a typographical error, and that this account owner’s name is “Friedrich Stein.”

² 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 relatives, even if the Claimant could not identify the owner of the account as her relative.

³ The Claimant submitted a claim, numbered B-00894, on 17 April 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 600246.

⁴ The CRT did not locate an account belonging to Bertha Stein, in the Account History Database prepared pursuant to the investigation of ICEP (the “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”). In this claim, the Claimant also claimed the accounts of Gisa Lea Stein, Isadore Israel Harnisch, Arthur Eduard Wittels, Josef Stein, Antoinette Sachsova, Rosa Weinstein, Pesie Juran, Lilly Wittels, Anna Harnisch, Rosie Hillman, Ludwig Wittels, Pearl Evelyn Wittels, Charlotte Juran, Samuel Wittels, Arthur Maximilian Harnisch, Cylli Wittels, and Samuel Juran. In a separate decision, the CRT awarded the accounts of Berta Stein and Antoinette Sachs to the Claimant. See *In re Accounts of Berta Stein and Antoinette Sachs* (approved on 13 October 2004). The CRT will treat the claims to the remaining accounts in separate determinations.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her husband's maternal aunt, Elsa (Ilse) Ehrlich, née Sachs, owned a Swiss bank account. The Claimant indicated that her husband's aunt, who was Jewish, resided in Vienna, Austria. In addition, the Claimant asserted that her mother-in-law, Bertha Stein, née Sachs, who was born on 24 February 1889 in Blatna, Austria-Hungary (later Czechoslovakia, now Czech Republic), and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her mother-in-law, who was Jewish, resided in Pilsen, Czechoslovakia (now Czech Republic). The Claimant indicated that her mother-in-law was deported to Auschwitz, where she perished on 11 March 1942.

The Claimant submitted documents in support of her claim, including her mother-in-law's inheritance certificate, identifying her mother-in-law as Bertha Stein and her husband's aunt as Elsa (Ilse) Ehrlich.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Elsa (Ilse) Ehrlich, née Sachs, and Bertha Stein, née Sachs. 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' or 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.

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, title, and profession. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Accounts 5024486 and 5029608

Bank 2's records indicate that Account Owner 2 was Friedrich Stein, who resided in Vienna, Austria, and that the Power of Attorney Holder was Berta Stein. Bank 2's records also indicate the Power of Attorney Holder's city and country of residence and the Power of Attorney Holder's relationship to Account Owner 2. Finally, Bank 2's records contain Account Owner 2'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 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 first initial and last name of her husband's aunt match the published first initial and last 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 her aunt resided in Austria. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Moreover, the CRT notes that the Claimant did not identify Account Owner 1's title or profession. Consequently, the CRT is unable to conclude that the Account Owner 1 and the Claimant's husband's aunt are the same person.

As for Accounts 5024486 and 5029608, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her mother-in-law matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant stated that her mother-in-law resided in Czechoslovakia. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different country. Moreover, the CRT notes that the Claimant did not identify Account Owner 2, although Bank 2's records indicate that Account Owner 2 and the Power of Attorney Holder were closely related. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's mother-in-law are the same person.

In addition, the CRT notes that the Claimant did not identify Account Owner 2 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 the Power of Attorney Holder, but not Account Owner 2, as her relative, 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 2 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
31 October 2005