

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Rudi Sachs
(Power of Attorney Teodor Sachs)**

Claim Number: 213201/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Rudi Sachs (the “Account Owner”) over which Teodor Sachs (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).

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 his relative, Theodor Sachs,² was a power of attorney holder to a Swiss bank account. The Claimant provided only limited information regarding his relative, stating that he was Jewish and resided in Czechoslovakia. The Claimant indicated that he was born on 28 February 1936 in Brno (today the Czech Republic).

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Theodor 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 one account whose power of attorney holder’s name matches that provided by the Claimant. The account is identified below by its Account

¹ The Claimant submitted six additional claims, which are registered under the Claim Numbers 213202, 213203, 213204, 213205, 213206 and 213207. In a separate decision, the CRT awarded the accounts of Emil Kohn to the Claimant. See *In re Accounts of Emil Kohn* (approved on 19 November 2003). The CRT will treat the remaining claims in separate determinations.

² The CRT did not locate an account belonging to Theodor Sachs 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”).

Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5024445

The Bank's records indicate that the Account Owner was Rudi Sachs, who resided in Belzig, Germany, and that the Power of Attorney Holder was Teodor Sachs. The Bank's records also indicate the Power of Attorney Holder's city and country of residence. Finally, the Bank's records contain the signatures of the Account Owner and the Power of Attorney Holder.

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 Power of Attorney Holder as his relative. Although the name of his relative 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 the Bank's records. Specifically, the Claimant stated that his relative resided in Czechoslovakia. In contrast, the Bank's records show that the Power of Attorney Holder resided in another country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's relative are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as his 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 the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner 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 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
8 August 2006