

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Sara Israel

**in re Account of Emmy Salomon  
(Power of Attorney Holder S. Salomon)<sup>1</sup>  
and  
Account of J. Salomon**

Claim Number: 004508/AY/AH<sup>2</sup>

This Certified Denial is based upon the claim of Sara Israel, née Solomon, (the “Claimant”) to an account of Shlomo Joseph Solomon or Salomon. The CRT did not locate an account belonging to Shlomo Joseph Solomon or Salomon 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”). This Denial is to the published account of Emmy Salomon (“Account Owner 1”) and to the published account of J. Salomon (“Account Owner 2”) at the [REDACTED] (“the Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that her father, Shlomo Joseph Solomon or Salomon, who was born in 1891 in Velyatin, Czechoslovakia (today part of the Ukraine), owned a Swiss bank account. The Claimant indicated that her father was married to Feiga Farkash, and worked at a timber yard in Chust, Czechoslovakia. The Claimant added that her father, who was

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<sup>1</sup> 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 substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 004508.

Jewish, resided in Velyatin until 1944, when he was deported to a ghetto and later to Auschwitz, where he perished. The Claimant indicated that she was born on 22 September 1924 in Velyatin.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father Joseph Solomon.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Shlomo Joseph Solomon or Salomon. The auditors who carried out the ICEP Investigation reported two accounts whose owner's or power of attorney holder's names are substantially similar 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.

#### Account 5024151

The Bank's records indicate that Account Owner 1 was *Frau* (Mrs.) Emmy Salomon, who resided in Düsseldorf, Germany, and that the Power of Attorney Holder was S. Salomon. The Bank's records also indicate Account Owner 1's and the Power of Attorney Holder's exact street addresses, and the name of the Power of Attorney Holder's spouse. Furthermore, the Bank's records indicate the date of opening of the account at issue.

#### Account 5026106

The Bank's records indicate that Account Owner 2 was J. Salomon, who resided in Strasbourg, France. The Bank's records also indicate Account Owner 2's exact street address and profession. Furthermore, the Bank's records indicate the dates of opening and of closing of the account 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.

#### Identification of the Account Owner

As for account 5024151, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her father is substantially similar to 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 her father resided in Czechoslovakia and was married to Feiga Solomon, née Farkash. In contrast, the Bank's records

show that the Power of Attorney Holder resided in a different country and was married to someone with a different name. In addition, the CRT notes that the Claimant did not identify Account Owner 1, although she appears to be closely related to the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

The CRT also notes 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 her 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.

As for account 5026106, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father 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 the Bank's records. Specifically, the Claimant stated that her father resided in Czechoslovakia and worked in a timber business. In contrast, the Bank's records show that Account Owner 2 resided in France and had a different profession. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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  
30 September 2004