

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Fritz Jakob Salz
(Power of Attorney Holder Heinrich Fink)¹**

Claim Numbers: 601643/AC²

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Max Juliusberger, Regina Fink, and Heinrich Fink.³ This Denial is to the published account of Fritz Jakob Salz (the “Account Owner”), over which Heinrich Fink (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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her maternal uncle, Heinrich Fink, who was born in approximately 1914 in Radoschau in the Upper Silesia region of Germany, owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, was the brother of her mother, [REDACTED], née [REDACTED]. According to the Claimant, her family resided in Breslau, Germany prior to the Second World War, and her uncle, along with many other family members, perished in the Holocaust. The Claimant indicated that she was born on 24 January 1921 in Loslau Kleis Rybnik, Germany.

The Claimant submitted documents in support of her application, including: (1) a copy of her parent’s marriage certificate, indicating that [REDACTED] and [REDACTED] were married on

¹ 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 relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted a claim, numbered B-02195, on 28 April 2000, 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 601643.

³ In a separate decision, the CRT awarded two accounts belonging to Heinrich Fink to the Claimant. See *In re Accounts of Heinrich Fink* (approved on 4 April 2003). The CRT will treat the claim to the accounts of Max Juliusberger and Regina Fink in separate determinations.

2 July 1914; and (2) a copy of a document issued by the Red Cross, dated 13 February 1943, in which [REDACTED] of Breslau, Germany, forwarded a message to his children in Shanghai, China.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Heinrich Fink. In addition to the two accounts which were awarded to the Claimant in a decision released on 4 April 2003, 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 Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5029187

The Bank's records indicate that the Account Owner was Fritz Jakob Salz, who resided in Breslau, Germany, and the Power of Attorney Holder was Heinrich Fink. The Bank's records also indicate the Account Owner's title, profession, and street address, an alternate first name for the Account Owner, as well as the title, street address, and city and country of residence of the Power of Attorney Holder. Finally, the Bank's records contain the Account Owner's and 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 Owner and the Power of Attorney Holder

The name of the Claimant's relative matches the published name of the Power of Attorney Holder, and the information provided by the Claimant is consistent with information contained in the Bank's records. However, the CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the city and country of residence provided by the Claimant match the published city, and country of residence of the Account Owner, the Claimant did not identify the Account Owner's name, nor did she indicate that she is related to the Account Owner.

In addition, the CRT notes that the Claimant did not identify the Account Owner 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 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.

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
21 September 2005