

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Heinrich Schärf

Claim Numbers: 000721/AE; 211585/AE; 600125/AE^{1, 2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the accounts of Heinrich (Heinich) Schärf (Schye, Schie, Shye or Sheea). This Denial is to the published account of Heinrich Schärf (“Account Owner 1”), over which Regina Schärf and Leon Krämer (the “Power of Attorney Holders”) held power of attorney, at the [REDACTED] (“Bank 1”) and to the published account of Heinrich Schärf (“Account Owner 2”) at the [REDACTED] (“Bank 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 are redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms to the CRT and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her uncle, Heinrich (Heinich) Schärf (Schye, Schie, Shye or Sheea), who was born in approximately 1900 in the Ukraine, owned a Swiss bank account. The Claimant indicated that her uncle, who was not married, owned a candy store. The Claimant further indicated that her uncle resided in Suceava, Bukovina, Romania until 1941. The Claimant further indicated that her uncle, who was Jewish, was sent to a slave labor camp in 1941. The Claimant indicated that her uncle drowned in Mogilev, Belorussia, on 16 October

¹ The Claimant submitted a claim, numbered B-01769, on 23 April 1999, 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 600125. The Claimant also submitted three Initial Questionnaires with the Court in 1999. The CRT is treating the Initial Questionnaires and the claim to the HCPO under the consolidated Claim Number 600125.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimant in one proceeding.

³ The CRT did not locate an account belonging Heinrich (Heinich) Schye, Schie, Shye or Sheea 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.

1941 en route to the slave labor camp. The Claimant indicated that she was born on 29 November 1932 in Suceava.

The Claimant previously submitted three Initial Questionnaires with the Court in 1999 asserting her entitlement to a Swiss bank account owned by her uncle.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her uncle, Heinrich (Heinich) Schärf (Schye, Schie, Shye or Sheea). 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 three accounts whose owners' names match that provided by the Claimant. Upon careful review, the CRT has concluded that the Banks' records evidence the existence of only two accounts.⁴ 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 5032685

Bank 1's records indicate that Account Owner 1 was Heinrich Schärf, and that the Power of Attorney Holders were Mrs. Regina Schärf and Leon Krämer. Bank 1's records further indicate Account Owner 1's city and country of residence. Furthermore, Bank 1's records also include signatures of Account Owner 1 and the Power of Attorney Holders.

Account 4020040

Bank 2's records indicate that Account Owner 2 was Heinrich Schärf, who resided in Poland. Bank 2's records further indicate the name of one other person, who jointly held the account with Account Owner 2, and who bore the same last name as Account Owner 2.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Identification of the Account Owner

As for Account 5032685, the CRT concludes that the Claimant has not identified Account

⁴ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution, Heinrich Schärf and Heinrich Schaerf are indicated as having one account each. Upon careful review, the CRT has concluded that Heinrich Schärf and Heinrich Schaerf were the same person (Account Owner 1), who held only one account.

Owner 1 as her relative. Although the name of her uncle matches the published name of Account Owner 1, the information provided by the Claimant differs from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant indicated that her uncle resided in Suceava, Romania. In contrast, Bank 1's records indicate that Account Owner 1 resided in different country that was not identified by the Claimant as her uncle's place of residence. Moreover, the Claimant did not identify the Power of Attorney Holders, despite the fact that one of the Power of Attorney Holders bore the same last name as Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 4020040, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her uncle matches 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 indicated that her uncle resided in Suceava, Romania. In contrast, Bank 2's records indicate that Account Owner 2 resided in Poland, which was not identified by the Claimant as her uncle's place of residence, and to which the Claimant did not establish any connection. Moreover, the Claimant did not identify the person who held the account jointly with Account Owner 2, although this individual appears to be closely related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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 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 claims 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 2005