

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

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

**in re Accounts of Hermann Schmidt
and
Accounts of H. Schmidt
and
Accounts of Leon Bellin, Suzanne Bellin, Poulaud Herrenschmidt
(Power of Attorney H. M. Schmidt)¹**

Claim Number: 215840/SB; 709408/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Hermann Schmidt. This Denial is to the published accounts of three persons named Hermann Schmidt (“Account Owner 1,” “Account Owner 2,” and “Account Owner 3”) at the [REDACTED] (“Bank 1”), the [REDACTED] (“Bank 2”), and the [REDACTED] (“Bank 3”), respectively; to the published and unpublished accounts of two persons named H. Schmidt (“Account Owner 4” and “Account Owner 5”) at Bank 2 and at [REDACTED] (“Bank 4”), respectively; and to the published accounts of Leon Bellin, Suzanne Bellin, Poulaud Herrenschmidt (“the Account Owners”), over which H. M. Schmidt (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 5”).

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 father, Hermann Julius Schmidt, who was born on 14 July 1898, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his father, who was a Jehovah’s Witness, resided in Schreibendorf, Germany (today Pisarov, the Czech Republic), where he was a professional

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 that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire under the Claim Number 709408.

gardener. According to the Claimant, his father was imprisoned in Oels, Germany, from 1936 to 1938, and was later interned in a forced labor camp from 1941 to 1945. The Claimant stated that his father died on 28 December 1985 in Germany. The Claimant indicated that he was born on 2 January 1925 in Schreibendorf.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a bank account owned by Hermann Schmidt.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hermann Schmidt. 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 nine accounts whose owners', or power of attorney holder's, names match 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.

Accounts 5032702 and 5032703

Bank 1's records indicate that Account Owner 1 was Hermann Schmidt. Bank 1's records also indicate Account Owner 1's nationality, street addresses, cities and country of residence and the date of opening of the accounts at issue.

Accounts 1012777 and 1012778

Bank 2's records indicate that Account Owner 2 was Hermann Schmidt. Bank 2's records also indicate Account Owner 2's cities and countries of residence, together with the dates of closing of the accounts at issue.

Account 1001343

Bank 3's records indicate that Account Owner 3 was Hermann Schmidt. Bank 3's records also indicate his alternative name, his date and place of death, street address, city and country of residence and the name and address of his heir.

Account 1000437

Bank 2's records indicate that Account Owner 4 was H. Schmidt, who resided in Leipzig, Germany. Bank 2's records also indicate the names and country of residence of two joint account owners.

Account 2015862

Bank 4's records indicate that Account Owner 5 was H. Schmidt. Bank 4's records also indicate Account Owner 5's city and country of residence, profession and title.

Accounts 5035575 and 5035618

Bank 5's records indicate that the Account Owners were Leon Bellin, Suzanne Bellin, Poulaud Herrenschmidt and that the Power of Attorney Holder was H. M. Schmidt. Bank 5's records also indicate the Power of Attorney Holder's full name, city and country of residence, together with the Account Owners' city and country of residence.

The CRT's Analysis

Admissibility of the Claim

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 Owners

As for Accounts 5032702 and 5032703, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that prior to the Second World War his father resided in Schreibendorf, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in other cities, each of which are at least 450 kilometers from Schreibendorf. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1012777 and 1012778, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his father resided in Germany. In contrast, Bank 2's records show that Account Owner 2 resided in other countries which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 1001343, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that his father died in 1985. In contrast, Bank 3's records show that Account Owner 3

died several decades earlier. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

As for Account 1000437, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his father matches the published first name initial and last name of Account Owner 4, the information provided by the Claimant differs materially from the published information about Account Owner 4 available in Bank 2's records. Specifically, the Claimant stated that his father resided in Schreibendorf, Germany. In contrast, Bank 2's records show that Account Owner 4 resided in Leipzig, Germany, which is over 400 kilometers from Schreibendorf. Furthermore, the Claimant did not identify the joint accounts owners, despite the fact that they appear to be related to Account Owner 4. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's father are the same person.

As for Account 2015862, the CRT concludes that the Claimant has not identified Account Owner 5 as his relative. Although the name of his father matches the unpublished first name initial and last name of Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 5 available in Bank 4's records. Specifically, the Claimant stated that his father resided in Germany. In contrast, Bank 4's records show that Account Owner 5 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's father are the same person.

As for Accounts 5035575 and 5035618, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his father matches the published first name initial and last 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 5's records. Specifically, the Claimant stated that his father's full name was Hermann Schmidt and that he resided in Germany. In contrast, Bank 5's records show that the Power of Attorney Holder had a different first name and resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person. In addition, the CRT notes that the Claimant did not identify the Account Owners as his relatives, 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 Owners, as his relatives, the Claimant would not have been entitled to the account unless there was evidence in Bank 5's records that the Power of Attorney Holder and the Account Owners were related.

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account

owners with alternative spellings of Hermann Schmidt's surname, which include Schmid, and has determined that these accounts do not belong to the Claimant's relative.

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 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 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
9 November 2006