

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Susan Muller

**in re Accounts of Anna Schneider
and
Accounts of Anny Schneider
and
Accounts of Marianne Sonnenkalb
(Power of Attorney Anna Schneider)
and
Account of Liesel Wagner
(Power of Attorney A. Schneider)**

Claim Numbers: 209686/SB; 401011/SB^{1,2,3}

This Certified Denial is based on the claims of Susan Muller, née Fuchs, (the “Claimant”) to an account of Anna Schneider. This Denial is to the published accounts of Anna Schneider (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of Anny Schneider (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published accounts of Marianne Sonnenkalb (“Account Owner 3”), over which Anna Schneider (“Power of Attorney Holder 1”) held power of attorney, at the [REDACTED] (“Bank 3”), and to the published account of Liesel Wagner (“Account Owner 4”), over which A. Schneider (“Power of Attorney Holder 2”) held power of attorney, at Bank 3.

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 Claim Forms asserting that her maternal great-aunt, Anna Schneider, who was born on 14 November 1855 in Stockerav, Austria, owned a Swiss bank account. The Claimant stated that her great-aunt, who was Jewish, was a dressmaker who never married and

¹ The Claimant submitted six additional claims, which are registered under the Claim Numbers 205634, 205637, 209953, 209954, 210981 and 401008. The CRT will treat these claims in separate determinations.

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 two claims of the Claimant in one proceeding.

³ The Claimant submitted Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the consolidated Claim Number 205634.

resided in Vienna, Austria, until her deportation to Poland in 1941. The Claimant further stated that her great-aunt perished in the Holocaust. The Claimant indicated that she was born on 14 July 1926 in Vienna.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Anna Schneider. 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 seven accounts whose owners' or power of attorney holders' 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 1012795 and 1012796

Bank 1's records indicate that Account Owner 1 was Anna Schneider, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and the name of a joint account owner. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 4020084 and 4020085

Bank 2's records indicate that Account Owner 2 was Anny Schneider, who resided in Vienna, Austria. Bank 2's records also indicate Account Owner 2's street address in Vienna, the name of her spouse, and the name of a joint account owner.

Accounts 5033489 and 5033495

Bank 3's records indicate that Account Owner 3 was Marianne Sonnenkalb and that Power of Attorney Holder 1 was Anna Schneider. Bank 3's records also indicate Account Owner 3's street address, city and country of residence, Power of Attorney Holder 1's street address, city and country of residence, and Power of Attorney Holder 1's maiden name. Finally, Bank 3's records contain the signatures of Account Owner 3 and Power of Attorney Holder 1.

Account 5029652

Bank 3's records indicate that Account Owner 4 was Liesel Wagner and that Power of Attorney Holder 2 was A. Schneider. Bank 3's records also indicate Account Owner 4's city and country of residence and Power of Attorney Holder 2's full name and gender. Finally, Bank 3's records contain the signatures of Account Owner 4 and Power of Attorney Holder 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 Owners

As for Accounts 1012795 and 1012796, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her great-aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her great-aunt resided in Vienna, Austria. In contrast, Bank 1's records show that Account Owner 1 resided in a city in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-aunt are the same person.

As for Accounts 4020084 and 4020085, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her great-aunt 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 her great-aunt never married. In contrast, Bank 2's records show that Account Owner 2 was married and indicate her spouse's name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-aunt are the same person.

As for Accounts 5033489 and 5033495, the CRT concludes that the Claimant has not identified Power of Attorney Holder 1 as her relative. Although the name of her great-aunt matches the published name of Power of Attorney Holder 1, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 1 available in Bank 3's records. Specifically, the Claimant stated that her great-aunt never married. In contrast, Bank 3's records show that Power of Attorney Holder 1 was married and indicate her maiden name. Consequently, the CRT is unable to conclude that Power of Attorney Holder 1 and the Claimant's great-aunt are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 3 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 Power of Attorney Holder 1, but not Account Owner 3, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that Power of Attorney Holder 1 and Account Owner 3 were related.

As for Account 5029652, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 as her relative. Although the name of her great-aunt matches the published first name initial and last name of Power of Attorney Holder 2, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 2 available in Bank 3's records. Specifically, the Claimant claimed an account belonging to her great-aunt. In contrast, Bank 3's records show that Power of Attorney Holder 2 is male.

Consequently, the CRT is unable to conclude that Power of Attorney Holder 2 and the Claimant's great-aunt are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 4 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 Power of Attorney Holder 2, but not Account Owner 4, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that Power of Attorney Holder 2 and Account Owner 4 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
8 August 2006