

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Meri Cipkis

in re Account of E. Schreiber¹
and
Account of Jacques and Henriette Schreiber
(Power of Attorney Holder Edith Schreiber)

Claim Number: 213926/MG²

This Certified Denial is based on the claim of Meri Cipkis, née Sahnuk-Golubinskaa, (the “Claimant”) to an account of Edith Schreiber and Hana Cerwetnick. The CRT did not locate an account belonging to Edith Schreiber or Hana Cerwetnick 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 E. Schreiber (“Account Owner 1”) at [REDACTED] (“Bank 1”) and to the published account of Jacques Schreiber (“Account Owner 2”) and Henriette Schreiber (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

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 maternal grandmother’s sister, Edith Schreiber, who was born on 25 February 1879 in Poznan, Poland, and was married to Felix Blum, owned a Swiss bank account. The Claimant stated that her maternal grandmother, Sura Schreiber, was the sister of Edith Schreiber. The Claimant further stated that her grandmother’s sister, who was Jewish, owned a shoe business and resided in Poznan until 1939, when she was

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 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.

² 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 213926.

forced to leave. According to the Claimant, her grandmother's sister died in 1940. The Claimant indicated that she was born on 2 November 1932 in Shitomir, the Ukraine.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Edith Schreiber. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant and one account whose power of attorney holder's name matches 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 1001252

Bank 1's records indicate that Account Owner 1 was E. Schreiber, who resided in Austria.³ Bank 1's records also indicate Account Owner 1's additional family name, city of residence, and last known street address. The auditors who carried out the ICEP Investigation indicated Account Owner 1's year of birth.

Account 5023827

Bank 2's records indicate that Account Owner 2 and Account Owner 3 were Jacques and Henrietta Schreiber, who resided in Vienna, Austria, and that the Power of Attorney Holder was Edith Schreiber. Bank 2's records also indicate Account Owner 2's and Account Owner 3's street addresses. Bank 2's records further indicate the Power of Attorney Holder's street address, city and country of residence, marital status, maiden name, and date of birth. Furthermore, Bank 2's records indicate the date on which the power of attorney was granted. Finally, Bank 2's records contain Account Owner 2's, Account Owner 3's, and the Power of Attorney Holder's signature samples.

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 Owners

As for Account 1001252, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her relative is substantially similar to the

³ The account was published under the name E. Schreiber of Bad Hofgastein, Austria, on the 2001 List of Swiss Bank Accounts identified in the ICEP Investigation. After careful review of Bank 1's record for this account, the CRT has determined that Account Owner 1 actually lived in a different Austrian city.

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 stated that her relative, who was born in 1879, resided in Poland. In contrast, Bank 1's records show that Account Owner 1 resided in Austria, a country to which the Claimant did not establish any connection. Additionally, the auditors who carried out the ICEP Investigation indicated that Account Owner 1 was born in a different decade. The Claimant also failed to identify the additional last name used by Account Owner 1. Consequently, the CRT concludes that Account Owner 1 and the Claimant's relative are not the same person.

As for Account 5023827, the CRT concludes that the Claimant has not identified Power of Attorney Holder Edith Schreiber as her relative. Although the name of her relative matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant stated that her relative, who was born in 1879, resided in Poland. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different country, a country to which the Claimant did not establish any connection, and was born in a different decade. Furthermore, the Claimant did not identify Account Owner 2 or Account Owner 3, although they both shared the same last name as Power of Attorney Holder Edith Schreiber. Consequently, the CRT is unable to conclude that Power of Attorney Holder Edith Schreiber and the Claimant's relative 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 Account Owner 2, as her relatives, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 2 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 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