

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Agnes Hoffmann

**Claimed Account Owner: Ender Schwarcz<sup>1</sup>**

Claim Number: 400658/MG

This Certified Denial is to the claim of Agnes Hoffmann (the “Claimant”) to the Swiss bank account over which E. Schwarcz held power of attorney, as published on the list of power of attorney holders in 2005, and potentially owned by the Claimant’s relative, Ender Schwarcz.

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 stating that Ender Schwarcz, who was Jewish, was her cousin who was married to Klara Schwarcz, née Bench.

### **The CRT’s Investigation**

The CRT matched the name of Ender Schwarcz to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs’ and Heroes’ Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

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<sup>1</sup> The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

## **The CRT's Analysis**

### Identification of the Account Owner

The list below contains names of account owners or power of attorneys holders that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner or a power of attorney holder are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

*Name: E. Schwarcz*

*Account Identification Number: 5024201*

*Specifically, the Claimant indicated that her relative, Ender Schwarcz, was male. In contrast, the records show that the power of attorney holder was female. In addition, the CRT notes that the Claimant did not identify the account owner, 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.*

*Name: E. Schwarcz*

*Account Identification Number: 50295555*

*Specifically, the Claimant indicated that her relative, Ender Schwarcz, was male. In contrast, the records show that the power of attorney holder was female. In addition, the CRT notes that the Claimant did not identify the account owner, 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 their 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.*

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary

evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **Scope of the Denial**

The CRT now considers the Claimant's claim to the accounts of Ender Schwarcz closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
29 September 2008