

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Ed. Schwarz  
and  
Accounts of Alfred Adam  
(Power of Attorney Holder E. Schwarz)<sup>1</sup>**

Claim Number: 400631/SB<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Eduard Schwarz (Schwartz).<sup>3</sup> This Denial is to the 2005 published account of Ed. Schwarz (“Account Owner 1”), held at an unknown bank (“Bank 1”), and to the 2005 published accounts of Alfred Adam (“Account Owner 2”), over which E. Schwarz (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).<sup>4</sup>

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 in 2005 asserting that his maternal grandfather, Eduard Schwarz, who was born on 27 January 1868 in Chudenice (today the Czech Republic), and was married to [REDACTED] on 18 March 1900, owned a Swiss bank account. The Claimant stated

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<sup>1</sup> 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.

<sup>2</sup> The Claimant submitted two additional claims, which are registered under the Claim Numbers 221041 and 601132. In a separate decision, the CRT awarded the accounts of Artur Weisl to the Claimant. See *In re Accounts of Artur Weisl* (approved on 2 January 2003).

<sup>3</sup> The CRT did not locate an account belonging to Eduard Schwarz (Schwartz) 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”).

<sup>4</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), E. Schwarz is indicated as owning an account. Claimant Schwarz identified this name in his previous submissions, and the CRT will treat the claim to this account in a separate determination.

that his grandfather, who was Jewish, was a lawyer who resided in Prague (today the Czech Republic) until his death on 8 July 1938. The Claimant further stated that the Nazis later confiscated many of his grandfather's assets. The Claimant indicated that he was born on 18 May 1932 in Prague.

The Claimant submitted numerous documents in support of his claim, including, among others, his grandfather's Czechoslovakian passport, dated 2 April 1917, and correspondence regarding his grandfather's estate, which all indicate that his grandfather resided in Prague.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Eduard Schwarz. 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 two accounts whose power of attorney holder's name matches that provided by the Claimant. In addition, documents evidencing an account belonging to Ed. Schwarz were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the "1962 Survey"). Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

#### Account 6002104

Bank 1's records indicate that Account Owner 1 was Ed. Schwarz. Bank 1's records also indicate Account Owner 1's city and country of residence.

#### Accounts 5024201 and 5029555

Bank 2's records indicate that Account Owner 2 was Alfred Adam and that the Power of Attorney Holder was E. Schwarz. Bank 2's records also indicate Account Owner 2's street address, city and country of residence and the name of a second power of attorney holder, including their city and country of residence and relationship to Account Owner 2. Furthermore, Bank 2's records indicate the Power of Attorney Holder's full name and gender. Finally, Bank 2's records contain Account Owner 2's and the power of attorney holders' signatures.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Account 6002104, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published first name initial and last 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 his grandfather resided in Prague, the Czech Republic, until his death in 1938. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Accounts 5024201 and 5029555, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his grandfather 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 2's records. Specifically, the CRT notes that the Claimant claimed an account belonging to his grandfather. In contrast, Bank 2's records show that the Power of Attorney Holder was female. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandfather are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as his 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 the Power of Attorney Holder, but not Account Owner 2, as his relative, 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 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 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  
12 May 2006