

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Walter Lachman

in re Account of R. Schwarz

Claim Number: 400933/SB¹

This Certified Denial is based on the claim of Walter Lachman (the “Claimant”) to the published account of R. Schwarz (the “Account Owner”) at an unknown bank (the “Bank”).

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 in 2005 asserting that his grandmother, Recha Schwarz, née Löwental, who was born on 11 July 1878 in Posen, Germany (today Poland), and was married to Gustav Schwarz in Berlin, Germany, owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, was a businesswoman who resided in Berlin, Germany, until 1942. According to the Claimant his grandmother was murdered by the Nazis in 1942 in Latvia. The Claimant indicated that he was born on 26 May 1928 in Berlin.

The Claimant submitted documents in support of his claim, including archival records from the National Archives of Berlin, which indicate that the Claimant’s grandmother resided in Berlin.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Recha Schwarz. The CRT further notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Recha Schwarz during their investigation of the Bank. The documents evidencing an account belonging to R. Schwarz were obtained from the Swiss Federal Archive in

¹ The Claimant submitted a claim, numbered B-00020, on 18 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601265. The Claimant submitted an additional claim, which is registered under the Claim Number 206405. The CRT treated these claims in separate determinations.

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”). The account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Account 6002109

The Bank’s records indicate that the Account Owner was R. Schwarz. The Bank’s records also indicate the Account Owner’s city of residence.

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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his grandmother matches the published first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant stated that his grandmother resided in Berlin. In contrast, the Bank’s records show that the Account Owner resided in another city which is over 500 kilometers from Berlin and to which the Claimant made no connection. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s grandmother are the same person.

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
23 February 2006