

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1]

and [REDACTED 2]  
both represented by [REDACTED]

**in re Accounts of Marguerite Schwob  
and  
Account of M. Bernheim  
and  
Accounts of Gaston Bernheim  
(Power of Attorney Holder Marguerite Bernheim)<sup>1</sup>**

Claim Numbers: 205658/SB; 205659/SB; 221370/SB; 221371/SB<sup>2</sup>

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Marguerite Schwob. This Denial is to the published accounts of Marguerite Schwob (“Account Owner 1”) at the [REDACTED] “Bank 1”), to the published account of M. Bernheim (“Account Owner 2”) at the [REDACTED] “Bank 2”), and to the published account of Gaston Bernheim (“Account Owner 3”), over which Marguerite Bernheim (the “Power of Attorney Holder”) held power of attorney, at Bank 2.

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 Claimants**

The Claimants, who are siblings, each submitted Claim Forms, asserting that their maternal grandmother, Marguerite Bernheim, née Schwob, who was born on 20 July 1870 in Mulhouse, France, and was married to [REDACTED] on 5 November 1896 in Mulhouse, owned a Swiss

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimants’ relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimants’ relative, even if the Claimant could not identify the owner of the account as their relative.

<sup>2</sup> 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 four claims of the Claimants in one proceeding.

bank account. The Claimants stated that their grandmother, who was Jewish, resided in Strasbourg, France, from 1930 to 1939, when she moved to Dinard, France, before fleeing for the United States in 1940. The Claimants stated that their grandmother died on 25 February 1948 in Mulhouse. Claimant [REDACTED 1] stated that he was born on 24 March 1924 in Strasbourg and Claimant [REDACTED 2] stated that he was born on 11 May 1934 also in Strasbourg.

The Claimants each submitted documents in support of their claims, including: (1) their grandmother's French passport which indicates her married and maiden names, and her city of residence; (2) her 'Declaration of Intention' form for the United States Immigration Service, which indicates the name of her husband.

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

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Marguerite Bernheim, née Schwob. 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' and power of attorney holder's names match that provided by the Claimants. 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 1014766, 1014832, 1014833 and 1014834

Bank 1's records indicate that Account Owner 1 was Marguerite Schwob, who resided in France. Bank 1's records also indicate Account Owner 1's maiden name and city of residence. Bank 1's records also indicate the names of two individuals associated with the accounts. Furthermore, Bank 1's records indicate the dates of opening of three of the accounts at issue and of closing for all of the accounts at issue. Finally, Bank 1's records contain Account Owner 1's signature.

#### Account 5030104

Bank 2's records indicate that Account Owner 2 was M. Bernheim, who resided in Nuremberg, Germany and that the Power of Attorney Holder was Rosa Bernheim (also known as Rosa Bamberger). Bank 2's records also indicate Account Owner 2's gender, profession and street address.

#### Accounts 5034316 and 5034317

Bank 2's records indicate that Account Owner 3 was Gaston Bernheim, who resided in Strasbourg, France, and that the Power of Attorney Holder was Marguerite Bernheim. Bank 2's records also indicate Account Owner 3's street address and relationship to the Power of Attorney Holder. Bank 2's records further indicate the Power of Attorney Holder's maiden name, street address, city and country of residence and the name of her spouse. Finally, Bank 2's records contain Account Owner 3's and the Power of Attorney Holder's signatures.

## **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 1014766, 1014832, 1014833 and 1014834, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their grandmother matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their grandmother's maiden name was Schwob. In contrast, Bank 1's records show that Account Owner 1's married name was Schwob and that she had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' grandmother are the same person.

As for Account 5030104, the CRT concludes that the Claimants have not identified Account Owner 2 as their relative. Although the name of their grandmother matches the published first name initial and last name of Account Owner 2, the information provided by the Claimants differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimants stated that their grandmother resided in France. In contrast, Bank 2's records show that Account Owner 2 lived in Germany, a country to which the Claimants did not establish any connection. Furthermore, the Claimant did not identify Account Owner 2's profession, nor did they identify the Power of Attorney Holder, who appears to be related to Account Owner 2. Consequently, the CRT concludes that Account Owner 2 and the Claimants' grandmother are not the same person.

As for Accounts 5034316 and 5034317, the CRT concludes that the Claimants have not identified the Power of Attorney Holder as their relative. Although the name of their grandmother matches the published name of the Power of Attorney Holder, the information provided by the Claimants differs materially from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimants stated that their grandmother's maiden name was Schwob. In contrast, Bank 2's records show that the Power of Attorney Holder had a different maiden name. The CRT also notes that the Claimants stated that their grandmother was married to [REDACTED], whereas Bank 2's records indicate that the Power of Attorney Holder was married to a different person. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimants' grandmother are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 3 as their 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 3, as their 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 3 were related.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
6 May 2006