

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Jakob Seligmann (Power of Attorney Holder)¹

Claim Number: 704564/MC²

This Certified Denial is based upon the claim of [REDACTED 1] (the “Claimant”) to the accounts of Paul Seligmann and Jacob Seligmann.³ This Denial is to two accounts owned by two different persons, over both of which Jakob Seligmann (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).

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 power of attorney holder, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Power of Attorney Holder as her paternal grandfather, Jacob Seligmann. The Claimant stated that her grandfather, who was Jewish, resided in Frankfurt am Main, Germany. The Claimant also stated indicated that from 1934 to 1938, she resided with her parents and sister at Wiesenau Strasse 18 in Frankfurt. In telephone conversations with the CRT, the Claimant and her sister, represented party [REDACTED 2], explained that Jacob Seligmann was married to [REDACTED], née [REDACTED], and that he owned a store and warehouse in Frankfurt. The Claimant stated that

¹ In an effort to locate any and all accounts that might have belonged to the relatives of [REDACTED 1](the “Claimant”), 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 her relative

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0509-054, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 704564.

³ In a separate decision, the Claimant’s claim to the accounts of Paul Seligmann was denied. See *Certified Denial in re Claimed Account Owner Paul Seligmann* (approved on 17 March 2008).

her family fled to Tel Aviv, Palestine (now Israel) in 1938, but that her grandfather remained in Germany, where he died.

In support of the claim, represented party [REDACTED 2] submitted a number of documents, including a document dated 24 August 1938 relating to the sale and “aryanization” of the business *Süddeutsche Wäschefabrik Seligmann* in Frankfurt, which was owned by [REDACTED] and [REDACTED], the latter of whom resided at Wiesenastrasse 18 in Frankfurt; and (2) an undated newspaper article, indicating that the business *J. Seligmann* in Frankfurt, which was owned by Jacob Seligmann and his son [REDACTED], was celebrating its thirtieth anniversary.

The Claimant indicated that she was born on 22 June 1930. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 16 April 1928 in Frankfurt.

Information Available in the Bank’s Records

The Bank’s records identify the names of the two owners of the accounts at issue. The records for both accounts show that Jakob Seligmann held power of attorney over both accounts. The records show that the Power of Attorney Holder resided at Wiesenau 18 in Frankfurt. There is no evidence in the Bank’s records that Jakob Seligmann was related to either account owner.

The CRT’s Analysis

Identification of the Account Owners and the Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holder. The Claimant’s grandfather’s name matches the published name of the Power of Attorney Holder. The Claimant identified her grandfather’s street address and city and country of residence, which match unpublished information about the Power of Attorney Holder contained in the Bank’s records. The CRT notes that the Claimant did not identify the owner of either account.

Status of the Power of Attorney Holder as a Victim of Nazi Persecution

As noted above, the Claimant did not identify the account owners. However, the Claimant has made a plausible showing that the Power of Attorney Holder was a Victim of Nazi Persecution. The Claimant stated that her grandfather was Jewish, and that he resided in Nazi Germany.

The Claimant’s Relationship to the Account Owners and Entitlement to the Accounts

The CRT notes that the Claimant plausibly identified the Power of Attorney Holder as her relative, but did not identify the owner of either account. The CRT 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 account owners, the Claimant

would not have been entitled to their accounts, because there was no evidence in the Bank's records that the Power of Attorney Holder was related to the owners of the accounts.⁴

In the absence of a family relationship between the Claimant and either of the account owners, or between either of the account owners and the Power of Attorney Holder, or a will or testamentary documents indicating that the Claimant is a beneficiary of one or both of the account owners, the CRT concludes that the Claimant is not entitled to the accounts at issue.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010

⁴ The CRT notes that, in a separate decision, one of the accounts at issue was awarded to another claimant, unrelated to the Claimant in this case, who definitely identified the owner of the account as his relative.