

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Carl Simon
and
Account of Karl Simon**

Claim Numbers: 600289/AK; 770026/AK^{1, 2, 3}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Karl Simon. This Denial is to the published account of Carl Simon (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Karl Simon (“Account Owner 2”) at the [REDACTED] (“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 owners, and the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Karl Simon, who was born on 5 July 1894 in Cloppenburg, Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that her parents had four children, and that the family resided in Cloppenburg and in Quakenbruck, Germany. According to the Claimant, her parents, who were Jewish, were both deported to a concentration camp, where they perished. The Claimant indicated that she was born on 2 May 1926 in Quakenbruck.

¹ The Claimant submitted a claim, numbered B-01536, on 21 October 1998, 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 600289.

² The Claimant submitted an Initial Questionnaire (“IQ”) to the Court in 1999 and a claim to the HCPO. Although the 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 770026.

³ 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 two claims of the Claimant in one proceeding.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted claims to an account belonging to her father, Karl Simon. 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 owners' names match that provided by the Claimant. 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.

Account 2015743

Bank 1's records indicate that Account Owner 1 was Carl Simon, who resided in Landau in der Pfalz, Germany. Bank 1's records also indicate Account Owner 1's street address.

Account 5030410

Bank 2's records indicate that Account Owner 2 was Karl Simon, who resided in Karlsruhe, Germany, and that the Power of Attorney Holder was Luise Simon. In addition, Bank 2's records indicate the date of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claim

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 Account 2015743, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her father resided in Quakenbruck, Germany and in Cloppenburg, Germany. In contrast, Bank 1's records indicate that Account Owner 1 resided in Landau in der Pfalz, Germany, which is located over 400 km from Quakenbruck and Cloppenburg. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5030410, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information contained in Bank 2's records. Specifically, the Claimant indicated that her father resided in Quakenbruck and Cloppenburg. In contrast, Bank 2's records indicate that Account Owner 2 resided in Karlsruhe, Germany, which is located over 400 km from Quakenbruck and Cloppenburg. Furthermore, the CRT notes that the Claimant failed to identify

the Power of Attorney Holder. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father 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 that 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 her claims 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
21 September 2005