

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Bet Tzedek Legal Services

in re Account of Benny Sommerich and Irma Sommerich

Claim Numbers: 401037/SB; 401041/SB¹

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Benny (Benno) Sommerich² and Irma Sommerich. This Denial is to the published account of Benny Sommerich (“Account Owner 1”) and Irma Sommerich (“Account Owner 2”) (together the “Account Owners”) 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 bank have been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms in 2005 asserting that her parents, Benny Sommerich and Irma Sommerich, née Kastor, who were born on 23 November 1884 in Ottensos, Germany, and 2 February 1892 in Bamberg, Germany, respectively, and were married on 14 July 1919 in Bamberg, owned a Swiss bank account. The Claimant stated that her parents, who were Jewish, resided in Nürnberg, Germany until 1938 when they fled Germany to Thun, Switzerland, emigrating to the United States in 1940, via Portugal. The Claimant further stated that her mother died on 2 June 1955 in Los Angeles, California, the United States and that her father died on 31 October 1975 in Los Angeles. The Claimant indicated that she was born on 29 December 1921 in Fürth, Germany.

¹ 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.

² The CRT did not locate an account belonging to Benno Sommerich 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.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to her relatives, Benny Sommerich and Irma Sommerich. 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 one account whose owners' names match those provided by the Claimant. The 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 4020066

The Bank's records indicate that the Account Owners were Benny Sommerich and Irma Sommerich. The Bank's records also indicate the Account Owners' country of residence and Account Owner 2's city of residence. The Bank's records also indicate the name of two individuals, one of whom jointly owned the account at issue, and the other who was associated with the account. The Bank's records further indicate these individuals' city and country of residence.

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

The CRT concludes that the Claimant has not identified the Account Owners as her relatives. Although the name of her parents match the published names of the Account Owners, the information provided by the Claimant differs materially from the unpublished information about the Account Owners available in the Bank's records. Specifically, the Claimant stated that her parents resided in Germany until 1938 when they fled to Switzerland, later emigrating to the United States, via Portugal. In contrast, the Bank's records show that the Account Owners resided in a country which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Account Owners and the Claimant's parents are the same people.

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 her 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