

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of E. Straus¹

Claim Numbers: 219004/SB; 600677/SB^{2,3,4}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to an account of Emma Strauss, née Schaumberg. The CRT did not locate an account belonging to Emma Strauss, née Schaumberg, 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 Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published account of E. Straus (the “Account Owner”) 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 a Claim Form, Initial Questionnaire, claim to the Holocaust Claims Processing Office (“HCPO”) and an ATAG Ernst & Young claim form in 1998 asserting that his mother, Emma Strauss, née Schaumberg, who was born on 6 September 1876 in Warburg, Germany, and was married to [REDACTED] in 1916, owned a Swiss bank account. The Claimant stated that his mother held German citizenship and that she resided in Amsterdam, the Netherlands; Brussels, Belgium; and Giessen, Warburg and Frankfurt am Main, Germany. The

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted a claim, numbered B-00897, on 24 March 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 600677.

³ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 219004.

⁴ 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 claims of the Claimant in one proceeding.

Claimant also stated that, prior to her marriage, his mother managed an orphanage in Amsterdam and Brussels, and later became a housewife. According to the Claimant, his mother, who was Jewish, was interned in the Theresienstadt concentration camp and subsequently in Auschwitz, where she was murdered in 1944. The Claimant indicated that he was born on 23 February 1918 in Giessen, Germany.

The Claimant also submitted documents in support of his application, including a copy of correspondence with regard to his parents' fate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Emma Strauss. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that 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 5035815

The Bank's records indicate that the Account Owner was E. Straus, who resided in Munich, Germany, and that the Power of Attorney Holder was Rahel Straus. The Bank's records also show that the Account Owner was male and indicate the Account Owner's wife's name, street address and title. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of 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 mother is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant claimed the account of his mother, who resided in Amsterdam, the Netherlands; Giessen, Warburg and Frankfurt am Main, Germany; and Brussels, Belgium. In contrast, the Bank's records show that the Account Owner was male and resided in Munich, Germany. Consequently, the CRT concludes that the Account Owner and the Claimant's mother are not 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 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
30 September 2004