

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Patricia Mattos

**in re Account of M. Straus
and
Account of M. Strauss
And
Accounts of Hans Strauss
And
Account of H. Strauss
and
Account of Alice Strauss
and
Account of Hans A. Straus
and
Account of Marguerite Marie Martin
and
Account of Theodor Dreifuss and Emile Goldschmidt
(Power of Attorney Holder Alice Strauss)¹
and
Accounts of Marguerite Martin**

Claim Number: 601434/AV²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant) to accounts of Manfred Straus (Strauss), Alice Straus (Strauss), née Fellheimer, Hans Straus (Strauss), and Margaretta (Marguerite) Martin (formerly, Straus or Strauss), née De Maggelio. This Denial is to the published accounts of M. Straus (“Account Owner 1”), M. Strauss (“Account Owner 2”), Hans Strauss (“Account Owner 3”), H. Strauss (“Account Owner 4”), and

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relatives, 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 relatives, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted a claim, numbered B-01265, on 14 September 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 601434.

Alice Strauss (“Account Owner 5”), all at the [REDACTED] (“Bank 1”);³ the published accounts of Hans A. Straus (“Account Owner 6”), Marguerite Marie Martin (“Account Owner 7”), and Theodor Dreifuss (“Account Owner 8”) and Emile Goldschmidt (“Account Owner 9”), over which Alice Strauss (the “Power of Attorney Holder”) held power of attorney, all at the [REDACTED] (“Bank 2”); and the published accounts of two individuals named Marguerite Martin (“Account Owner 10” and “Account Owner 11,” respectively) at the [REDACTED] (“Bank 3”).⁴

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 a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her paternal grandfather, Manfred Straus, who was born on 10 December 1878 in Bad-Cannstatt, Germany, and was married to Alice Straus, née Fellheimer, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, resided in Stuttgart, Germany, and that he owned *Straus and Company*, a company based in Unterturkheim, Germany that manufactured quilts and pillows. The Claimant indicated that in 1939, her grandfather was deported to the ghetto in Riga, Latvia, where he perished in 1941.

The Claimant further asserted that her grandmother, Alice Straus, née Fellheimer, who was born on 7 December 1883 in Stuttgart, and who was married to Manfred Straus, owned a Swiss bank account. The Claimant indicated that her grandmother, who was Jewish, resided in Stuttgart until she was deported to the Riga ghetto, where she perished in March 1942. In addition, the Claimant asserted that her paternal uncle, Hans Straus, who was born to Manfred Straus and Alice Straus on 12 April 1907 in Stuttgart, owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, resided in Stuttgart until 24 August 1939, when he fled to the United Kingdom. Finally, the Claimant asserted that her mother, Margaretta (Marguerite) Martin (formerly, Straus or Strauss), née De Maggello, who was born on 18 July 1908, and was married on 24 June 1929 to [REDACTED], who was Jewish, owned a Swiss bank account. The Claimant indicated that her mother and father were divorced before 1935, that her mother fled Germany to the United States in October 1935, and that her mother took the surname “Martin” when she remarried on 17 June 1937. The Claimant indicated that she was born on 22 September 1930 in Stuttgart.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Alece Strauss appears as an account owner and is indicated as having one account. Upon careful review, the CRT has concluded that this name was erroneously reported by the ICEP auditors, and that Bank 1’s records evidence the existence of only one account owned by Alice Strauss (“Account Owner 5”).

⁴ In this claim, the Claimant also claimed an account of Gerhard Straus, Sophie Fellheimer, née Frank, and the business, *Straus and Co*. The CRT will treat the claims to these accounts in a separate determination.

The Claimant submitted documents in support of her application, including: (1) an application for compensation from the German government submitted by [REDACTED] and Hans Straus, identifying their parents as Manfred Strauss and Alice Strauss, née Fellheimer, and indicating that they resided in Stuttgart; and (2) a letter from her mother to her mother's parents and brother, dated 10 December 1928 in Stuttgart, and signed "Margaretta."

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Manfred Straus (or Strauss), Alice Straus (or Strauss), Hans Straus (or Strauss), and Margaretta (Marguerite) Martin (formerly, Straus or Strauss). 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 ten accounts whose owners' or power of attorney holders' names match those 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 1013659

Bank 1's records indicate that Account Owner 1 was M. Straus, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and title. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Account 1013662

Bank 1's records indicate that Account Owner 2 was M. Strauss. Bank 1's records also indicate Account Owner 2's country and city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 1014067

Bank 1's records indicate that Account Owner 3 was Hans Strauss, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence in Germany and an additional city and country of residence for account Owner 3. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Account 1014520

Bank 1's records indicate that Account Owner 4 was H. Strauss, who resided in Germany. The Bank's records also indicate the first four letters of Account Owner 4's first name and Account Owner 4's city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

Account 1014064

Bank 1's records indicate that Account Owner 5 was Alice Strauss, who resided in Germany. Bank 1's records also indicate Account Owner 5's city of residence, maiden name, and the name of a joint account owner. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 5034166

Bank 2's records indicate that Account Owner 6 was Hans A. Straus, who resided in Kanagawa-Ken, Japan. Bank 2's records also indicate the name of a person who held power of attorney and the name of Account Owner 6's spouse. Finally, Bank 2's records contain the signatures of Account Owner 6 and the person who held power of attorney.

Account 5030550

Bank 2's records indicate that Account Owner 7 was Marguerite Marie Martin, who resided in Marseilles, France. Bank 2's records also indicate Account Owner 7's maiden name and the name of a joint account owner. Furthermore, Bank 2's records indicate the date of opening of the account at issue.

Account 5033902

Bank 2's records indicate that Account Owner 8 was Theodor Dreifuss, who resided in Wohlen, Switzerland, that Account Owner 9 was Emile Goldschmidt, who resided in Paris, France, and that the Power of Attorney Holder was Alice Strauss. Bank 2's records also indicate an alternative surname for the Power of Attorney Holder, the name of a second person who held power of attorney, and the name of a third joint account owner.

Account 1000163

Bank 3's records indicate that Account Owner 10 was Marguerite Martin. Bank 3's records also indicate Account Owner 10's city and country of residence, and maiden name. Furthermore, Bank 3's records indicate the dates of opening and closing of the account at issue.

Account 1000981

Bank 3's records indicate that Account Owner 11 was Marguerite Martin. Bank 3's records also indicate the name of a joint account owner.

The CRT's Analysis

Admissibility of the Claim

For purposes of this Denial, the CRT has determined that the claim is 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 1013659, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the first initials and last names of her grandfather and mother match the published first initial and last name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1’s records. Specifically, the Claimant stated that her grandfather and mother resided in Stuttgart. In contrast, Bank 1’s records show that Account Owner 1 resided in a different city, which is approximately 500 kilometers from Stuttgart, and to which the Claimant established no connection. Moreover, the Claimant did not identify Account Owner 1’s title. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant’s grandfather or mother are the same person.

As for Account 1013662, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the first initials and last names of her grandfather and mother match the published first initial and last name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in Bank 1’s records. Specifically, the Claimant stated that her grandfather and mother resided in Stuttgart. In contrast, Bank 1’s records show that Account Owner 2 resided in a different major German city, which is located more than 150 kilometers from Stuttgart, and to which the Claimant’s grandfather and mother had no connection. The CRT notes that the Claimant’s grandfather’s and mother’s main city of residence, Stuttgart, is also a major German city, rendering it unlikely that the Claimant’s grandfather and mother would indicate a different, distant metropolis as their city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant’s grandfather or mother are the same person.

As for Account 1014067, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 1’s records. Specifically, the Claimant stated that her uncle resided in Stuttgart. In contrast, Bank 1’s records show that Account Owner 3 resided in a different major German city, which is located more than 250 kilometers from Stuttgart, and to which the Claimant’s uncle had no connection. The CRT notes that the Claimant’s uncle’s main city of residence, Stuttgart, is also a major German city, rendering it unlikely that the Claimant’s uncle would indicate a different, distant metropolis as his city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant’s uncle are the same person.

As for Account 1014520, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her uncle matches the published first name initial and last name of Account Owner 4, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 available in Bank 1’s records. Specifically, the Claimant stated that her uncle’s first name was Hans. In contrast, the Bank’s

records indicate the first four letters of Account Owner 4's name, which do not match the first four letters of the Claimants' relative's name. Moreover, the Claimant stated that her uncle resided in Stuttgart. In contrast, Bank 1's records show that Account Owner 4 resided in a different city, which is over 150 kilometers from Stuttgart. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants who plausibly identified Account Owner 4 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 1014064, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her grandmother matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 5 available in Bank 1's records. Specifically, the Claimant stated that her grandmother's maiden name was Fellheimer. In contrast, Bank 1's records show that Account Owner 5 had a different maiden name. Moreover, the Claimant stated that her grandmother resided in Stuttgart. In contrast, Bank 1's records show that Account Owner 5 resided in a different city, which is over 150 kilometers from Stuttgart. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's grandmother are the same person.

As for Account 5034166, the CRT concludes that the Claimant has not identified Account Owner 6 as her relative. Although the name of her uncle matches the published name of Account Owner 6, the information provided by the Claimant differs materially from the published information about Account Owner 6 available in Bank 2's records. Specifically, the Claimant stated that her uncle resided in Germany. In contrast, Bank 2's records show that Account Owner 6 resided in Japan. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's uncle are the same person.

As for Account 5030550, the CRT concludes that the Claimant has not identified Account Owner 7 as her relative. Although the name of her mother matches the published name of Account Owner 7, the information provided by the Claimant differs materially from the unpublished information about Account Owner 7 available in Bank 2's records. Specifically, the Claimant stated that her mother's maiden name was De Maggelio. In contrast, Bank 2's records show that Account Owner 7 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's mother are the same person.

As for Account 5033902, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandmother matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant was not able to identify the Power of Attorney Holder's alternative last name, nor did the Claimant identify the second person who held power of attorney over this account, although it appears that this person and the Power of Attorney Holder were related. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandmother are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 8, Account Owner 9, or the third joint account owner as her 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 as her relative, but not Account Owner 8, Account Owner 9, or the third joint account owner, 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 one of the joint account owners were related.

As for Account 1000163, the CRT concludes that the Claimant has not identified Account Owner 10 as her relative. Although the name of her mother matches the published name of Account Owner 10, the information provided by the Claimant differs materially from the unpublished information about Account Owner 10 available in Bank 3's records. Specifically, the Claimant stated that her mother's maiden name was De Maggello. In contrast, Bank 3's records show that Account Owner 10 had a different maiden name. Moreover, the Claimant indicated that her mother resided in Germany, whereas Bank 3's records show that Account Owner 10 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 10 and the Claimant's mother are the same person.

As for Account 1000981, the CRT concludes that the Claimant has not identified Account Owner 11 as her relative. Although the name of her mother matches the published name of Account Owner 11, the information provided by the Claimant is inconsistent with the published information about Account Owner 11 available in Bank 3's records. The CRT notes that the account at issue was opened in Switzerland under the name Marguerite Martin. The CRT further notes that the Claimant's mother took the surname "Martin" on 17 June 1937, after she had fled Germany and Europe and was residing in the United States. The CRT also notes that Bank 3 did not have branches in the United States, where the Claimant's mother could have opened an account under the name Marguerite Martin. Finally, the CRT notes that the Claimant did not identify the other name, which is indicated in Bank 3's records as a name of an individual who also owned the account at issue. Consequently, the CRT is unable to conclude that Account Owner 11 and the Claimant's mother 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 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
30 November 2005