

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Klara Strauss
and
Account of Clara Strauss**

Claim Number: 400389/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Klara (Clara, Claire) Schwarz, née Strauss.² This Denial is to the published account of Klara Strauss (“Account Owner 1”), held at an unidentified bank (“Bank 1”) and to the unpublished account of Clara Strauss (“Account Owner 2”) at [REDACTED] (“Bank 2”).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 owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form in 2005 asserting that her mother, Klara (Clara) Strauss, who was born on 8 July 1903 in Crailsheim, Germany, and was married to [REDACTED] on 9 October 1931 in Crailsheim, owned a Swiss bank account. The Claimant stated that her mother, who was Jewish, resided in Germany until 1939, when she fled Germany to the United Kingdom, and that she ultimately emigrated to the United States. The Claimant stated that her mother died on 26 October 1987 in New York, New York, the United States. The Claimant indicated that she was born on 31 August 1932 in Nuremberg, Germany.

The Claimant submitted documents in support of her claim, including: (1) her mother’s wedding certificate which indicates that the Claimant’s mother resided in Crailsheim; (2) her mother’s death certificate which indicates her date and place of death.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 211253. In a separate decision, the CRT awarded the account of Aron Strauss to the Claimant. See *In re Account of Aron Strauss* (approved on 30 September 2003).

² The CRT did not locate an account belonging to Klara (Clara, Claire) Schwarz, or Claire Strauss 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”).

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Klara (Clara) 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 one account whose owner's name matches that provided by the Claimant. In addition, documents evidencing an account belonging to Klara Strauss were obtained from archival sources in Germany.

Account 6002213

The German Archive records indicate that Account Owner 1 was Klara Strauss. These records also indicate Account Owner 1's date and place of death, the name of her child and the name of five individuals associated with the account at issue.

Account 3016985

Bank 2's records indicate that Account Owner 2 was Clara Strauss. Bank 2's records also indicate Account Owner 2's city and country of residence and the name of a power of attorney holder. Finally, Bank 2's records contain Account Owner 2's and the power of attorney holder's signatures together with the date on which Account Owner 2 provided her signature.

The CRT's Analysis

Admissibility of the Claim

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 6002213, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the German Archive records. Specifically, the Claimant stated that her mother died in 1987 in the United States. In contrast, the German Archive records show that Account Owner 1 died several decades earlier in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Account 3016985, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that prior to 1939 her mother resided in Germany. In contrast, Bank 2's records

show that at this time Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified 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"). The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed this claim carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Klara (Clara) Strauss's surname, which include Straus, and has determined that these accounts do not belong to the Claimant's relative.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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.

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
27 February 2007