

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Max Strauss
and
Account of Max and Sofie Strauss
and
Account of M. Strauss¹
and
Account of Max Strauss GmbH²**

Claim Number: 600090/OW³

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Max Strauss. This Denial is to the published account of Max Strauss (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Max Strauss (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published account of Max and Sofie Strauss (“Account Owner 3” and “Account Owner 4,” respectively) at Bank 2, to the published account of M. Strauss (“Account Owner 5”) at the [REDACTED] (“Bank 3”), and to the published account of *Max Strauss GmbH* (“Account Owner 6”) at Bank 1.⁴

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 owner, and the bank have been redacted.

¹ The CRT notes that the name M. Strauss appears on the List of Account Owners Published in 2005.

² The CRT notes that the name *Max Strauss GmbH* appears on the List of Account Owners Published in 2005.

³ The Claimant submitted a claim, numbered B-01164, on 19 August 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 600090.

⁴ The CRT notes that according to the Claimant, her family name was spelled in three different variations: Strauß, Strauhs, and Strauss. 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 match all variations of her father’s last name.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Max Strauss, who was born on 11 May 1886 in Hadamar, Germany, and was married to [REDACTED], née [REDACTED], on 19 July 1918 in Hamburg, Germany, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was the owner of the *Strauss-Werke, Max Strauss* factory in Bahrenfeld, Hamburg, which manufactured bonnets and hairnets. The Claimant indicated that until November 1938, her father resided in Hamburg. According to the Claimant, her father traveled to Switzerland in the winter of 1935 and the summer of 1936 with the purpose of depositing gold coins, money and jewelry in a safe deposit box in Zurich. The Claimant further indicated that her father was arrested in November 1938, and sent to the Oranienburg concentration camp, near Berlin, Germany. According to the Claimant, in January 1940, her father fled Germany for Shanghai, China, where he died in July 1942. The Claimant indicated that she was born on 29 June 1919 in Hamburg.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Max Strauss.

The Claimant submitted documents in support of her application, including: (1) a copy of Max Strauhs’s marriage certificate dated 27 May 1946, indicating that he resided in Hamburg on 19 July 1918; (2) a copy of [REDACTED]’s birth certificate dated 4 February 1946, indicating that her father, Max Strauß resided in Hamburg on 29 June 1919; (3) a certified copy of Max Strauss’s birth certificate indicating he was born to [REDACTED] in Hadamar, Germany.⁵

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Max 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 five accounts whose owners’ names match to 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 5030242

Bank 1’s records indicate that Account Owner 1 was Max Strauss, who resided in Frankfurt am Main, Germany, and that Lili Stern-Strauss and Betty Strauss-Haas held power of attorney over the account. Bank 1’s records also indicate Account Owner 1’s street address. Furthermore, Bank 1’s records indicate the date of opening of the account at issue.

⁵ The CRT notes that in the certified copy of Max Strauss’s birth certificate dated 3 January 1946 in Hadamar, Germany, there are two different spellings of his father’s last name. The first spelling of the last name in the birth certificate is [REDACTED], and the second alternate spelling in the birth certificate is [REDACTED].

Account 4019934

Bank 2's records indicate that Account Owner 2 was Max Strauss, who resided in Mannheim, Germany. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

Account 4019933

Bank 2's records indicate that Account Owner 3 and Account Owner 4 were Max and Sofie Strauss, who resided in Mannheim, Germany. Bank 2's records also indicate the dates of opening and closing of the account at issue.

Account 1013662

Bank 3's records indicate that Account Owner 5 was M. Strauss, who resided in Germany. Bank 3's records also indicate the city of residence and the dates of opening and closing of the account at issue.

Account 5035830

Bank 1's records indicate that Account Owner 6 was *Max Strauss GmbH*. Bank 1's records also indicate Account Owner 6's city of residence. Furthermore, Bank 1's records contain the signature of an authorized party over Account Owner 6's account.

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 Owner

As for Account 5030242, 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 from the published information about Account Owner 1 and the power of attorney holders available in Bank 1's records. Specifically, the Claimant stated that her father resided in Hamburg, until 1938, when the Nazis arrested him. In contrast, Bank 1's records show that Account Owner 1 resided in Frankfurt am Main, Germany, which is located over 400 kilometers from Hamburg, and to which the Claimant did not establish a connection. Furthermore, Bank 1's records indicate the names of the Power of Attorney Holders, whom the Claimant did not identify in her claim. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 4019934, 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 from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Hamburg, until 1938, when the Nazis arrested him. In contrast, Bank 2's records show that Account Owner 2 resided in Mannheim, Germany, which is over 450 kilometers from Hamburg, and to which the Claimant did not establish a connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 4019933, the CRT concludes that the Claimant has not identified Account Owner 3 and Account Owner 4 as her relatives. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs from the published information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her father resided in Hamburg until 1938, when the Nazis arrested him. In contrast, Bank 2's records show that Account Owner 3 and Account Owner 4 resided in Mannheim, Germany, which is over 450 kilometers from Hamburg, and to which the Claimant did not establish a connection. Furthermore, the Claimant did not identify Account Owner 4, Sofie Strauss, as her relative. Consequently, the CRT is unable to conclude that these Account Owners and the Claimant's father are the same person.

As for Account 1013662, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her father matches the published name of Account Owner 5, the information provided by the Claimant differs from the unpublished information about Account Owner 5, available in Bank 3's records. Specifically, the Claimant stated that her father resided in Hamburg until 1938, when the Nazis arrested him. In contrast, Bank 3's records show that Account Owner 5 resided in a different city in Germany, which is over 400 kilometers from Hamburg, and to which the Claimant did not establish a connection. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's father are the same person.

As for Account 5035830, the CRT concludes that the Claimant has not identified Account Owner 6 as her relative. Although the name of her father matches the published name of Account Owner 6, the information provided by the Claimant differs from the unpublished information about Account Owner 6, available in Bank 1's records. Specifically, the Claimant stated that her father's name was Max Strauss; in contrast, Bank 1's records indicate that Account Owner 6 was a company. Although the Claimant stated that her father owned a factory in Bahrenfeld, Hamburg, she indicated that it was named *Strauss Werke, Max Strauss*. In contrast, Bank 1's records show that Account Owner 6 was called *Max Strauss GmbH*, and that it was located in a different city in Germany, which is over 600 kilometers from Hamburg, and to which the Claimant did not establish a connection. Consequently, the CRT is unable to conclude that the Account Owner and the business of the Claimant's father are the same.

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 ICEP Investigation, which identified accounts probably or

possibly belonging to Victims of Nazi Persecution, as defined in 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 Max Strauss's surname, which include Straus, and has determined that these accounts do not belong to the Claimant's relative.

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(s) or the alternative surname of the Account Owner identified above which form(s) 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
14 December 2005