

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED],
and [REDACTED]

**in re Accounts of Sophie Strauss
and
Account of Sofie Strauss
and
Account of Hugo Strauss
and
Account of H. Strauss
and
Account of Elsa Hoffmann-Hoffmann
and
Account of Elisabeth Hoffmann
and
Account of Karl Hoffmann
(Power of Attorney Holder Elsa Hoffmann)
and
Account of Michael Weinmann
(Power of Attorney Holder Elisabeth Hoffmann)¹**

Claim Number: 600065/AV²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Sophie Strauss, née Kurz, Hugo Strauss, and Elsa Hoffmann, née Siebenschein. This Denial is to the published accounts of Sophie Strauss³ (“Account Owner 1”), the published account of H. Strauss (“Account Owner 2”), and the published account of Elsa Hoffmann-Hoffmann (“Account Owner 3”), at the [REDACTED] (“Bank 1”); to the published account of Hugo Strauss

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 those 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-02135, on 21 December 1999, 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 600065.

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”), Sophie Strauss (“Account Owner 1”) is indicated as having three accounts. Upon careful review, the CRT has concluded that Bank 1’s records evidence the existence of only two accounts.

(“Account Owner 4”), the published account of Karl Hoffmann (“Account Owner 5”), over which Elsa Hoffmann (“Power of Attorney Holder 1”) held power of attorney, and the published account of Michael Weinmann (“Account Owner 6”), over which Elisabeth Hoffmann (“Power of Attorney Holder 2”) held power of attorney, at the [REDACTED] (“Bank 2”); to the published account of Sofie Strauss (“Account Owner 7”) at the [REDACTED] (“Bank 3”); and to the unpublished account of Elisabeth Hoffmann (“Account Owner 8”) at the [REDACTED] (“Bank 4”).⁴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 maternal grandparents, Dr. Hugo Strauss, who was born on 30 March 1882 in Kassel, Germany, and Sophie Strauss, née Kurz, who was born on 15 October 1891 in Vienna, Austria, owned Swiss bank accounts. The Claimant indicated that her grandparents were married in 1912 in Vienna. According to the Claimant, her grandparents, who were Jewish, resided at Alseggerstrasse 38 and on Langegasse in Vienna, where Dr. Hugo Strauss was a lawyer. The Claimant stated that her grandparents fled from Vienna to Chicago, Illinois, the United States. The Claimant indicated that her grandfather died on 23 July 1945 in Chicago and that her grandmother died on 13 April 1970 in Arlington, Virginia, the United States.

In addition, the Claimant asserted that her great-aunt, Elsa Hoffmann, née Siebenschein, who was born on 3 March 1865 in Vienna, and was married to [REDACTED] on 27 February 1887 in Vienna, owned a Swiss bank account. The Claimant indicated that her great-aunt, who was Jewish, resided in Vienna. The Claimant further indicated that her great-aunt died on 28 September 1937.

The Claimant indicated that she was born on 28 December 1944 in Washington, D.C., the United States.

The Claimant submitted documents in support of her claim, including a confirmation from the Jewish Community of Vienna (*Israelitische Kultusgemeinde Wien*), indicating that Elsa Hoffmann resided at Rembrandtstrasse 25 in Vienna.

⁴ In this claim, the Claimant also claimed the accounts of Alfred Huber, Irma Siebenschein, Rosa Huber, Margarete Siebenschein, Maximillian Siebenschein, Rosalie Siebenschein, Erna Siebenschein, Armin Siebenschein, Norbert Siebenschein, Julius Siebenschein, Sigmund Siebenschein, Raphael Siebenschein, Alfred Kurz, Richard Siebenschein, David Allina, Rosa Allina, Samuel Ringer, and Fritz Allina. In separate decisions, the CRT awarded the accounts of Alfred Kurz and Rosa Huber to the Claimant. See *In re Accounts of Alfred Kurz* (approved on 10 August 2005) and *In re Accounts of Rosa Huber* (approved on 21 September 2005). The CRT treated the claims to the other accounts in separate determinations.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Sophie Strauss, née Kurz, Hugo Strauss, and Elsa Hoffmann, née Siebenschein. 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 seven accounts whose owners' names match those provided by the Claimant and two accounts whose power of attorney holders' names match those provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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 1014077, and Account 1014078

Bank 1's records indicate that Account Owner 1 was Sophie Strauss, who resided in Germany. Bank 1's records also indicate Account Owner 1'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 accounts at issue.

Account 1014520

Bank 1's records indicate that Account Owner 2 was H. Strauss, who resided in Germany. Bank 1's records also indicate the first four letters of Account Owner 2's first name and Account Owner 2's city of residence. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

Account 1009059 and Account 6000864

Bank 1's records indicate that Account Owner 3 was Elsa Hoffmann-Hoffmann, who resided in Czechoslovakia. Bank 1's records also indicate Account Owner 3's city of residence. Furthermore, Bank 1's records indicate the dates of opening of the accounts at issue and the date of closing of one of the accounts at issue.

Account 5034349

Bank 2's records indicate that Account Owner 4 was Hugo Strauss, who resided in Paris, France. Bank 2's records also indicate Account Owner 4's street address and the name of an individual who held power of attorney. Furthermore, Bank 2's records indicate the date on which Account Owner 4 granted the power of attorney. Finally, Bank 2's records contain Account Owner 4's signature.

Account 5033447

Bank 2's records indicate that Account Owner 5 was Karl Hoffmann, who resided in Eberstadt, Germany, and that Power of Attorney Holder 1 was *Frau* (Mrs.) Elsa Hoffmann. Bank 2's records also indicate Power of Attorney Holder 1's maiden name, city and country of residence,

and her relationship to Account Owner 5. Furthermore, Bank 2's records indicate the date on which the power of attorney form was signed. Finally, Bank 2's records contain Account Owner 5's and Power of Attorney Holder 1's signatures.

Account 5030426

Bank 2's records indicate that Account Owner 6 was Michael Weinmann, who resided in Stuttgart, Germany, and that Power of Attorney Holder 2 was Elisabeth Hoffmann. Bank 2's records also indicate Account Owner 6's street address and Power of Attorney Holder 2's maiden name. Furthermore, Bank 2's records indicate the date of opening of the account at issue.

Account 4019933

Bank 3's records indicate that Account Owner 7 was Sofie Strauss, who resided in Mannheim, Germany. Bank 3's records also indicate the name of a joint account owner. Furthermore, Bank 3's records indicate the dates of opening and closing of the account at issue.

Account 5035568

Bank 4's records indicate that Account Owner 8 was Elisabeth Hoffmann. Bank 4's records also indicate Account Owner 8's city and country of residence, street address, and the name of a joint account owner. Furthermore, Bank 4's records indicate the date of opening of the account at issue. Finally, Bank 4's records contain Account Owner 8's 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 1014077, and Account 1014078, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandmother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her grandmother's maiden name was Kurz. In contrast, Bank 1's records show that Account Owner 1 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person.

As for Account 1014520, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather matches the published first name

initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that her grandfather's first name was Hugo. In contrast, Bank 1's records show that Account Owner 2 had a different first name. In addition, the Claimant stated that her grandfather resided in Austria. In contrast, Bank 1's records indicate that Account Owner 2 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified Account Owner 2 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 1009059 and Account 6000864, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her great-aunt matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that her great-aunt resided in Austria. In contrast, Bank 1's records show that Account Owner 3 resided in Czechoslovakia. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's great-aunt are the same person.

As for Account 5034349, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her grandfather matches the published name of Account Owner 4, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 4 available in Bank 2's records. Specifically, the Claimant stated that her grandfather resided in Austria. In contrast, Bank 2's records show that Account Owner 4 resided in France. Moreover, the CRT notes that the Claimant did not identify the individual who held power of attorney, although it appears from Bank 2's records that this individual and Account Owner 4 were related. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's grandfather are the same person.

As for Account 5033447, the CRT concludes that the Claimant has not identified Power of Attorney Holder 1 as her relative. Although the name of her great-aunt matches the published name of Power of Attorney Holder 1, the information provided by the Claimant differs materially from the published and unpublished information about Power of Attorney Holder 1 available in Bank 2's records. Specifically, the Claimant stated that her great-aunt's maiden name was Siebenschein. In contrast, Bank 2's records show that Power of Attorney Holder 1 had a different maiden name. Consequently, the CRT is unable to conclude that Power of Attorney Holder 1 and the Claimant's great-aunt are the same person.

As for Account 5030426, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 as her relative. Although the name of her great-aunt matches the published name of Power of Attorney Holder 2, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 2 available in Bank 2's records. Specifically, the Claimant stated that her great-aunt's maiden name was Siebenschein. In contrast, Bank 2's records show that Power of Attorney Holder 2 had a different maiden name. Consequently, the CRT is unable to conclude that Power of Attorney Holder 2 and the Claimant's great-aunt are the same person.

As for Account 4019933, the CRT concludes that the Claimant has not identified Account Owner 7 as her relative. Although the name of her grandmother matches the published name of Account Owner 7, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 7 available in Bank 3's records. Specifically, the Claimant stated that her grandmother resided in Austria. In contrast, Bank 3's records show that Account Owner 7 resided in Germany. Moreover, the CRT notes that the Claimant did not identify the joint account owner, although it appears from Bank 3's records that this individual and Account Owner 7 were related. Consequently, the CRT is unable to conclude that Account Owner 7 and the Claimant's grandmother are the same person.

As for Account 5035568, the CRT concludes that the Claimant has not identified Account Owner 8 as her relative. Although the name of her great-aunt matches the unpublished name of Account Owner 8, the information provided by the Claimant differs materially from the unpublished information about Account Owner 8 available in Bank 4's records. Specifically, the Claimant stated that her great-aunt resided in Austria. In contrast, Bank 4's records show that Account Owner 8 resided in a different country, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 8 and the Claimant's great-aunt are the same person.

In addition, with respect to Account 5033447 and Account 5030426, the CRT notes that the Claimant did not identify the Account Owner 5 or Account Owner 6 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 Power of Attorney Holder 1 or Power of Attorney Holder 2, but not Account Owner 5 or Account Owner 6, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that Power of Attorney Holder 1 and Account Owner 5 or that Power of Attorney Holder 2 and Account Owner 6 were related.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation. 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 Hugo Strauss's and Elsa Hoffmann's surnames, which include Straus and Hofmann, and has determined that these accounts do not belong to the Claimant's relatives.

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, or the alternative surnames of the Account Owner identified above, which form 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
3 March 2006