

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED 1]¹

and Claimant [REDACTED 2]

in re Account of Emil Uhlmann

Claim Numbers: 201576/AX; 209775/AX^{2,3,4}

This Certified Denial is based on the claims of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) and [REDACTED 1] (“Claimant [REDACTED 1]”) (together “the Claimants”) to the published account Emil Uhlmann at the [REDACTED] (the “Bank”).⁵

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 Claimants

The Claimants, who are siblings, each submitted a Claim Form asserting that their father, Emil Winter, who was born on 27 October 1889, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimants stated that Emil Winter was the son of [REDACTED] and [REDACTED], and that their father was given the maiden name of his mother. The Claimants stated that their father owned and operated a print and art school in Munich, Germany. The Claimants further stated that their father was forced by the Nazis to sell the art school, and that he was later deported to Buchenwald and the slave labor camp at Blankenburg-Harz. In a telephone conversation with the CRT on 25 June 2003, Claimant [REDACTED 2] indicated that she had no additional information about her father, Emil Winter.

¹ The CRT notes that Claimant [REDACTED 1] died on 26 September 2002.

² Claimant [REDACTED 1] submitted an additional claim, which is registered under Claim Number 216192. The CRT will treat this claim in a separate determination.

³ 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 two claims of the Claimants in one proceeding.

⁴ The Claimants submitted an Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 201576 and 209775.

⁵ In these claims, the Claimants also claimed the accounts of Leopold Uhlmann and Rosa Winter. The CRT will treat the claims to these accounts in separate determinations.

Claimant [REDACTED 2] indicated that she was born on 22 July 1933 in Frankfurt, Germany, and Claimant [REDACTED 1] indicated that he was born on 6 June 1930 in Frankfurt.

The Claimants submitted documents in support of their claims including Claimant [REDACTED 1]'s birth certificate, indicating that his father was Emil Winter, the birth certificate of the Claimants' father, indicating that he was born Emil Winter, and the marriage certificate of the Claimants' parents, indicating that their father was *Kaufmann* (merchant) Emil Winter.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Emil Winter (Uhlmann). 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 Claimants. 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 1013801

The Bank's records indicate that the Account Owner was Emil Uhlmann, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence, and the professional title of the Account Owner. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

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

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the first name of their father and the family name of their paternal-grandfather match the published name of the Account Owner, the information provided by the Claimants is inconsistent with the published and unpublished information contained in the Bank's records. The CRT notes that the account was opened under the name Emil Uhlmann. In contrast, the Claimants indicated that their father's name was Emil Winter, and that he did not use the name Uhlmann as his family name. Additionally, in submissions prior to the 2001 publication of the Account Owner's name, including his ATAG Claim Form and all supporting documents submitted with the ATAG Claim Form, Claimant [REDACTED 1] indicated that his father was Emil Winter and not Emil Uhlmann. Finally, the Claimants submitted the birth certificate of

Claimant [REDACTED 1], and Claimant [REDACTED 1] submitted the birth certificate and marriage certificate of the Claimants' father, indicating that his name was Emil Winter. Furthermore, the CRT notes that the Claimants did not indicate that their father had a title and submitted his marriage certificate, which indicates that he was a *Kaufmann* (merchant), whereas the Bank's records indicate that the Account Owner had a title consistent with a different profession, which the Claimants did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' father 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
12 May 2006