

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Hermann Vogel
and
Accounts of Anna Vogel
and
Account of J. Vogel
and
Account of Friedrich Schwarz
(Power of Attorney Holder Irma Schwarz)¹
and
Account of Heinrich Vogel
(Power of Attorney Holder Annie Vogel)**

Claim Number: 601426/MBC²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Richard Hermann Vogel, Johanna (Hannah) Vogel, and Irma Nachmann Schwarz. This Denial is to the published account of Hermann Vogel (“Account Owner 1”), to the published accounts of Anna Vogel (“Account Owner 2”), to the published account of J. Vogel (“Account Owner 3”) at the [REDACTED] (“Bank 1”), to the published account of Friedrich Schwarz (“Account Owner 4”), over which Irma Schwarz (“Power of Attorney Holder 1”) held power of attorney, to the published accounts of Friedrich Vogel (“Account Owner 5”), over which Annie Vogel (“Power of Attorney Holder 2”) (together the “Power of Attorney Holders”) held power of attorney, and to the published accounts of Hermann Vogel (“Account Owner 6”) (together the “Account Owners”) at the [REDACTED] (“Bank 2”) (together the “Banks”).³

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.

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-00292, on 7 November 1997, 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 601426.

³ In this claim, the Claimant also claimed the accounts of Siegmund Vogel, Ellen Eva Vogel, Jacob Nachmann, Sollie Nachmann, Karl Nachmann, August Schwarz, Arnold Schwarz, and Girda Nachann. The CRT will treat the claim to these accounts in a separate determination.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her parents, Richard Hermann Vogel and Johannah (Hannah) Vogel, née Nachmann, owned a Swiss bank account. The Claimant indicated that the account may have been held under the name Hermann Vogel. The Claimant stated that her father was born on 7 July 1905 in Nieder-Saulheim, Germany, that her mother was born on 6 July 1907 in Longenlonsheim, Germany, and that they were married on 14 August 1934. The Claimant further stated that her father was a wealthy cattle dealer and that in 1938 he was incarcerated in Buchenwald. The Claimant stated that her parents, who were Jewish, fled to the United States in 1939. The Claimant stated that her father died on 12 July 1999 in Illinois, the United States and that her mother died on 14 August 1999 in Deerfield, Illinois. The Claimant further asserted that another relative from her mother’s family, Irma Nachmann Schwarz, owned a Swiss bank account. The Claimant did not explain how she was related to Irma Nachmann Schwarz. The Claimant stated that Irma Nachmann Schwarz was Jewish, resided in Germany, and fled to the United States in 1939. The Claimant indicated that she was born on 30 September 1945 in Milwaukee, Wisconsin, the United States.

The Claimant submitted documents in support of her application, including: (1) her father’s death certificate, indicating that Richard H. Vogel was married to Hannah Nachmann; (2) her mother’s death certificate, indicating that Hannah Vogel was born in Germany; and (3) her own birth certificate, indicating that Ruth Ida Vogel was born to Richard Herman Vogel and Hannah Nachmann.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Richard Hermann, Johannah (Hannah) Vogel, née Nachmann and Irma Nachmann Schwarz. 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 six accounts whose owners’ names match those provided by the Claimant and three accounts whose 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 1013449

Bank 1’s records indicate that Account Owner 1 was Hermann Vogel, who resided in Germany. Bank 1’s records also indicate Account Owner’s 1 city of residence. Furthermore, Bank 1’s records indicate the dates of opening and closing of the account at issue.

Accounts 1014086 and 1014087

Bank 1’s records indicate that Account Owner 2 was Anna Vogel, who resided in Germany. Bank 1’s records also indicate Account Owner 2’s marital status and city of residence.

Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 1014347

Bank 1's records indicate that Account Owner 3 was J. Vogel, who resided in Austria. Bank 1's records also indicate Account Owner 3's city of residence and identify a joint owner of the account. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 5023803

Bank 2's records indicate that Account Owner 4 was Friedrich Schwarz, who resided in Gmünd, Austria and that Power of Attorney Holder 1 was Irma Schwarz. Bank 2's records also indicate that Account Owner 4 and Power of Attorney Holder 1 were related.

Accounts 5024892 and 5029928

Bank 2's records indicate that Account Owner 5 was Heinrich Vogel, who resided in Dresden, Germany and that Power of Attorney Holder 2 was Annie Vogel. Bank 2's records also indicate Power of Attorney Holder 2's maiden name and that Account Owner 5 and Power of Attorney Holder 2 were related. Furthermore, Bank 2's records indicate the dates of opening and closing of the accounts at issue.

Accounts 5026270 and 5026507

Bank 2's records indicate that Account Owner 6 was Hermann Vogel, who resided in Chemnitz, Germany, and that Hermann Feith held power of attorney over the accounts.

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 and the Power of Attorney Holders

As for Account 1013449, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the middle and last names of her father match 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 father's first name was Richard and that he originated from Nieder-Saulheim, Germany. In contrast, Bank 1's records show that Account Owner 1's first name was Hermann and that he resided in a different city, over 200 kilometers from Nieder-

Saulheim, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1014086 and 1014087, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although her mother's name is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that her mother married in 1934, and therefore did not use the name Vogel before that date. In contrast, Bank 1's records show that Account Owner 2 used the name Vogel before 1934 and had a different marital status than the Claimant's mother. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Account 1014347, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her mother matches the published name of Account Owner 3, the information provided by the Claimant differs from the published and unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that her mother resided in Germany. In contrast, Bank 1's records show that Account Owner 3 resided in Austria. Furthermore, the Claimant did not identify the joint account owner. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's mother are the same person.

As for Account 5023803, the CRT concludes that the Claimant has not identified Power of Attorney Holder 1 as her relative. Although the name of her relative matches the published name of Power of Attorney Holder 1, the information provided by the Claimant differs from the published information about Power of Attorney Holder 1 available in Bank 2's records. Specifically, the Claimant stated that her relative resided in Germany. In contrast, Bank 2's records show that Account Owner 4 resided in Austria. Consequently, the CRT is unable to conclude that Power of Attorney Holder 1 and the Claimant's relative are the same person.

As for Accounts 5024892 and 5029928, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 as her relative. Although the name of her relative matches the published name of Power of Attorney Holder 2, the information provided by the Claimant differs materially from the published and unpublished information about Power of Attorney Holder 2 available in Bank 2's records. Specifically, the Claimant stated that her relative's maiden name was either Nachmann or Schwarz. In contrast, Bank 2's records show that Power of Attorney Holder 2 had a different maiden name. Furthermore, the Claimant stated that her mother married in 1934, and therefore did not use the name Vogel before that date. In contrast, Bank 2's records show that Power of Attorney Holder 2 used the name Vogel before 1934. Consequently, the CRT is unable to conclude that Power of Attorney Holder 2 and the Claimant's mother are the same person.

As for Accounts 5026270 and 5026507, the CRT concludes that the Claimant has not identified Account Owner 6 as her relative. Although the middle and last names of her father match 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 father's first name was Richard and that he originated from Nieder-Saulheim, Germany. In contrast, Bank 2's records show that Account Owner 6's first name was Hermann and that he resided in Chemnitz, which is 350 kilometers from Nieder-Saulheim. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify Account Owner 4 and Account Owner 5 as her relatives, 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 and Power of Attorney Holder 2, but not Account Owner 4 and Account Owner 5, as her relatives, the Claimant would not have been entitled to the accounts unless there was evidence in Bank 2's records that Power of Attorney Holder 1 and Account Owner 4, or Power of Attorney Holder 2 and Account Owner 5 were related.

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 September 2005