

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Max Schneider

**in re Account of Liesel Wagner  
(Power of Attorney Holder A. Schneider)**

Claim Number: 401616/MG<sup>1</sup>

This Certified Denial is based on the claim of Max Schneider (the “Claimant”) with respect to the 2005 published power of attorney holder A. Schneider. This Denial is to the published account of Liesel Wagner (the “Account Owner”), over which A. Schneider (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form in 2005, asserting that his father, Adolf (or Abraham) Schneider, who was born on 18 June 1885 in Sambor, Poland, and was married to Josefa (Josefine) Gruenfeld on 6 May 1920 in Vienna, Austria, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Vienna until his deportation to Riga, Latvia, in 1942. The Claimant submitted a document from the Jewish Community in Vienna which states that there are no records to indicate that Adolf Schneider survived Riga or returned to Vienna. The Claimant indicated that he was born on 4 December 1921 in Vienna.

### **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Max Schneider. 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, which was published in 2005, whose power of attorney holder’s name matches that provided by the Claimant. 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.

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<sup>1</sup> The Claimant submitted two additional claims, which are registered under the Claim Numbers 401619 and 401620. The CRT will treat these claims in separate determinations.

## Account 5029652

The Bank's records indicate that the Account Owner was Liesel Wagner. The Bank's records also indicate the Account Owner's street address, city and country of residence, and the Power of Attorney Holder's full name. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain the signatures of the Account Owner and the Power of Attorney Holder.

## **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 Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his father matches the published first name initial and last name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his father's first name was Adolf or Abraham. In contrast, the Bank's records show that the Power of Attorney Holder had a different first name. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person. In addition, the CRT notes that the Claimant did not identify the Account Owner as his 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 the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 his 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  
23 March 2007