

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Sally Weil  
and  
Accounts of S. Weil Jun.  
and  
Account of Salomon Weil  
and  
Account of Ida Weil<sup>1</sup>**

Claim Number: 004282/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Sally (Saly, Salomon, Solomon, Shlomo) Weil and Ida Weil, née Kastanienbaum.<sup>2</sup> This Denial is to the published account of Sally Weil (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of S. Weil Jun. (“Account Owner 2”) also at Bank 1, to the published account of Salomon Weil (“Account Owner 3”) at the [REDACTED] (“Bank 2”), and to the published account under the name of Ida Weil (the “Power of Attorney Holder”), at the [REDACTED] (“Bank 3”).<sup>3</sup>

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<sup>1</sup> 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”), Ida Weil is listed as an account owner. Upon careful review, the CRT has concluded that the Bank’s records evidence that Ida Weil was actually the power of attorney holder to an account owned by another individual.

<sup>2</sup> The CRT did not locate an account belonging to Saly (Solomon, Shlomo) Weil or Ida Kastanienbaum, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

<sup>3</sup> In this claim, the Claimant also claimed the accounts of Siegbert Weil, Sara Weil and Jeanette Weil. In a previous decision, the Claimant was awarded the account of Siegbert Weil. See *In re Account of Siegbert Weil* (approved on 4 October 2002). The Claimant further claimed the account of Sara Weil that was published in the ICEP List, but did not provide any information regarding Sara Weil. However, upon careful review, the CRT has concluded that the Bank’s records evidence that Sara Weil was actually the power of attorney holder to an account owned by another individual. There is no evidence in the Bank’s records to indicate that Sara Weil was related to the owner of that account; in fact, the owner of the account and Sara Weil do not share the same last name. Further, 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 Sara Weil as her relative, as there is no evidence in the Bank’s records to that Sara Weil was related to the owner of the account, the Claimant would not be entitled to that account. Finally, the Claimant claimed the account of Jeanette Weil. The CRT will treat the claim to this account in a separate determination.

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 Claimant**

The Claimant submitted a Claim Form asserting that her paternal grandparents, Sally (Salomon) Weil and Ida Weil, née Kastanienbaum, who were Jewish, owned a Swiss bank account. The Claimant stated that her grandfather was a merchant, who was born on 11 November 1877 in Gailingen/Baden, Germany and her grandmother was born in May 1870. The Claimant stated that her grandparents were married in 1906 or 1907 in Würzburg, Germany, where they also resided. The Claimant further stated that her grandmother was deported to Theresienstadt in 1942 and that her grandfather fled Germany for Vaduz, Liechtenstein. The Claimant explained that her grandmother survived Theresienstadt and moved to a refugee camp in Langnau, Switzerland. The Claimant stated that her grandfather died in Vaduz in 1943 and her grandmother died in Langnau in 1946. The Claimant stated that she was born on 25 August 1936 in Tel Aviv, Palestine.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Sally Solomon Weil.

The Claimant submitted documents in support of her application, including: (1) her grandfather's birth certificate; (2) a document from Würzburg city archives which indicate that her grandfather resided there and his occupation.

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

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Sally (Salomon) Weil and Ida Weil. 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 four accounts whose owners' names and one account whose power of attorney holder's name 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 1014185

Bank 1's records indicate that Account Owner 1 was Sally Weil, who resided in Germany. Bank 1's records also refer to Account Owner 1's nationality.

### Account 1014402 and 1014403

Bank 1's records indicate that Account Owner 2 was S. Weil Junior, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence in Germany. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

### Account 5030425

Bank 2's records indicate that Account Owner 3 was Salomon Weil, who resided in Freiburg, Germany and that the Power of Attorney Holder was Melanie Weil-Bollag. Bank 2's records also indicate Account Owner 3's street address and Power of Attorney Holder Melanie Weil-Bollag's street address, city and country of residence. Furthermore, Bank 2's records indicate the date of opening of the account at issue. Finally, Bank 2's records contain Account Owner 3's and Power of Attorney Holder Melanie Weil-Bollag's signature.

### Account 1001370

Bank 3's records indicate that the Power of Attorney Holder was Ida Weil, who resided in Germany. Bank 3's records also indicate the Power of Attorney Holder's maiden name and the names of two individuals associated with the account at issue, both of whom share the same last name as 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 Owners

As for Account 1014185, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her grandfather was of German nationality. In contrast, Bank 1's records show that Account Owner 1 was not a German national. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Accounts 1014402 and 1014403, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather matches 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 grandfather resided in Würzburg, Germany. In contrast, Bank 1's records show that Account Owner 2 resided in a city which is approximately 100 kilometers

from Würzburg, a city which the Claimant did not identify. The CRT notes that Würzburg and Account Owner 2's city of residence are both relatively small German cities of similar size, rendering it unlikely that a resident of one of these cities would indicate as his or her city of residence the other city, including for purposes of maintaining a bank account. The CRT further notes that the Claimant did not identify Account Owner 2's title of '*Junior.*' Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

As for Account 5030425, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her grandfather 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 2's records. Specifically, the Claimant stated that her grandfather resided in Würzburg, Germany. In contrast, Bank 2's records show that Account Owner 3 resided in Freiburg, a city which is over 200 kilometers from Würzburg. The CRT notes that Würzburg and Freiburg are both relatively small German cities of similar size, rendering it unlikely that a resident of one of these cities would indicate as his or her city of residence the other city, including for purposes of maintaining a bank account. The CRT also notes that the Claimant did not identify Power of Attorney Holder Melanie Weil-Bollag, even though she appears to be related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded this account to another claimant, who plausibly identified Account Owner 3 as her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

As for Account 1001370, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandmother matches the published 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 Bank 3's records. Specifically, the Claimant stated that her grandmother's maiden name was Kastanienbaum. In contrast, Bank 3's records show that the Power of Attorney Holder had a different maiden name. The CRT also notes that the Claimant did not identify the two other persons associated with the account, even though they appear to be related to the Power of Attorney Holder. Consequently, the CRT concludes that the Power of Attorney Holder and the Claimant's grandmother are not the same person. In addition, the CRT notes that the Claimant did not identify the owner of the account 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 the Power of Attorney Holder, but not the owner of the account, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that the Power of Attorney Holder and the owner of the account 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 investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), which identified accounts probably or possibly

belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (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 Sally (Salomon) Weil and Ida Weil’s surnames, which include Weill, 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 surname of the Account Owner identified above, 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  
20 October 2006