

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Bernard Weiss
and
Account of Henri Weiss
and
Accounts of Anna Feldmann
(Power of Attorney Holder Ignacz Weiss)**

Claim Number: 202513/SB^{1,2,3}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Bernad (Bernat, Bernard, Yitzchok, Henry, Ignacz) Weiss.⁴ This Denial is to the unpublished account of Bernhard Weiss (“Account Owner 1”), at the [REDACTED] (“Bank 1”); to the unpublished account of Henri Weiss (“Account Owner 2”) at the [REDACTED] (“Bank 2”); to the published accounts of Anna Feldmann (“Account Owner 3”), over which Ignacz Weiss (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 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 owner, and the bank have been redacted.

¹ The Claimant submitted Initial Questionnaires to the Court in 1999, an ATAG Ernst & Young claim form in 1998 to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires, the ATAG Ernst & Young claim form and the Claim Form under the consolidated Claim Number 202513. In the ATAG Ernst & Young claim form, the Claimant claimed an account belonging to Henry Rosner, the CRT will treat the claim to this account in a separate determination.

² The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 202513 and 207146. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 202513.

³ The Claimant submitted one additional claim, which is registered under the Claim Number 400219. The CRT will treat this claim in a separate determination.

⁴ The CRT did not locate an account belonging to Bernad (Bernat, Bernard, Yitzchok, Henry) Weiss 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”).

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire asserting that her father Bernad (Henry, Ignacz) Weiss, who was born in 1898 in Austria-Hungary and married [REDACTED] in 1919 in Czechoslovakia, owned a Swiss bank account. The Claimant stated that her father who was Jewish, was a businessman who resided in Selvus, Czechoslovakia and that he perished in 1944 in Auschwitz. The Claimant indicated that she was born on 5 November 1921 in Rokosovo (today the Ukraine).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relative, Bernad (Henry, Ignacz) Weiss. 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' and power of attorney holder's 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 1013525

Bank 1's records indicate that Account Owner 1 was Bernhard Weiss. Bank 1's records also indicate Account Owner 1's city and country of residence, together with the date of closing of the account at issue.

Account 3019083

Bank 2's records indicate that Account Owner 2 was Henri Weiss. Bank 2's records also indicate Account Owner 2's street address, city and country of residence. Finally, Bank 2's records contain Account Owner 2's signature.

Accounts 5029748 and 5033470

Bank 3's records indicate that Account Owner 3 was Anna Feldman, who resided in Budapest, Hungary, and that the Power of Attorney Holder was Ignacz Weiss. Bank 3's records also indicate Account Owner 3's street address in Budapest, her relationship to the Power of Attorney Holder, and the Power of Attorney Holder's street address, city and country of residence. Furthermore, Bank 3's records indicate the name of a second power of attorney holder and the date of closing of the accounts at issue. Finally, Bank 3's records contain the signatures of Account Owner 3 and both power of attorney holders.

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 1013525, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the unpublished 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 father resided in Czechoslovakia. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 3019083, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Czechoslovakia. In contrast, Bank 2's records show that Account Owner 2 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5029748 and 5033470, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her father 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 father resided in Czechoslovakia. In contrast, Bank 3's records show that the Power of Attorney Holder resided in a different country. 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 Account Owner 3 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 Account Owner 3, 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 Account Owner 3 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 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
23 March 2007