

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

Claimed Account Owner: Friederike Weiss

Claim Number: 209168/HS¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Adolf Weiss. This Certified Denial is to the custody account, numbered 31114, potentially owned by the Claimant’s relative Friederike Weiss (the “Claimed Account Owner”).

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.

Procedural History

The CRT previously identified four accounts potentially owned by the Claimed Account Owner: one custody account numbered 33698, which was awarded to the Claimant in a decision approved by the Court on 27 December 2002 (the “December 2002 Award”); two demand deposit accounts, which were awarded to the Claimant in a decision approved by the Court on 8 April 2004 (the “April 2004 Award”); and one custody account numbered 31114.

As detailed in the April 2004 Award, the account records pertaining to custody account 33698 contain a typewritten notation, stating that custody account 33698 should not be confused with custody account 31114 (“*Nicht verwechseln mit Depot 31114*”).

¹ In a separate decision, the CRT awarded the accounts of Friederike and Rosa Weiss to [REDACTED] (the “Claimant”). See *In re Accounts of Friederike and Rosa Weiss* (approved by the Court on 27 December 2002) (the “December 2002 Award”). In another decision, the CRT awarded the accounts of Friederike Weiss to the Claimant. See *In re Accounts of Friederike Weiss* (approved by the Court on 8 April 2004) (the “April 2004 Award”). The Claimant submitted additional claims to the accounts of Fritz Weiss, Ellen Weiss, and Paul Weiss, which are registered under the Claim Numbers 209169, 209503, and 213678, respectively. In separate decisions, the Court approved an award to the accounts of Adolf Weiss, Ellen Weiss, and Paul Weiss; another award to the account of Fritz Weiss; and a denial to the account of Hans Weiss. See *In re Accounts of Adolf Weiss, Ellen Weiss and Paul Weiss* (approved on 27 February 2007); *In re Accounts of Fritz Weiss* (approved on 30 May 2007); and *In re Account of Hans Weiss* (approved on 12 April 2007).

Accordingly, in the April 2004 Award, the CRT reserved decision with regard to custody account 31114, pending further consideration as to the identity of the account owner of that account. In this Certified Denial, the CRT addresses account 31114.

Information Provided by the Claimant

As detailed in the December 2002 Award and the April 2004 Award, the Claimant identified the Claimed Account Owner as her paternal great-aunt, Frederica Weiss, who was Jewish, and resided in Vienna, Austria.

The CRT's Investigation

The CRT matched the name of Frederica Weiss to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to individuals or over which individuals held power of attorney whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

The CRT's Analysis

Identification of the Account Owner

The list below contains names of account owners that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner are not the same person.²

Name: Friederike Weiss

Account Identification Number: 31114 (5023830)

Specifically, the Claimant stated that her relative, Frederica Weiss, resided in Vienna. In contrast, the records show that the actual account owner lived in another city which is more than 250 kilometers from Vienna, to which the Claimant did not establish any connection. Additionally, the account records indicate that two people held power of attorney over account numbered 31114, one of whom was a relative of the owner of this account. The power of attorney holders' street addresses also appear in the account records. The Claimant did not identify either of the power of attorney holders or their addresses. The power of attorney

² This list does not include the owners of the accounts previously awarded to the Claimant in the December 2002 and April 2004 Awards described in note 1 *supra*.

holders are not mentioned in the account records of any other accounts held by the Claimant's relatives that were awarded in the December 2002 and April 2004 Awards. The CRT notes that the bank's records regarding custody account 33698 (whose owner was determined to be a relative of the Claimant in the December 2002 Award) contain a typewritten notation, stating that custody account 33698 should not be confused with custody account 31114 ("Nicht verwechseln mit Depot 31114"). This notation supports the conclusion that the owner of custody account 33698 (who was determined to be a relative of the Claimant) was not the same person as the owner of custody account 31114.

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 claims. The Claimant 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010