

# 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 Lisbeth Weiss  
and  
Account of Robert Weiss  
(Power of Attorney Holder Elisabeth Weiss)<sup>1</sup>**

Claim Number: 650014/AC<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Elisabetha (Lisbeth) Chotzen, née Weiss. This Denial is to the published account of Lisbeth Weiss (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Robert Weiss (“Account Owner 2”), over which Elisabeth Weiss (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).<sup>3,4</sup>

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.

## **Information Provided by the Claimant**

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”), asserting that her maternal aunt, Elisabetha (Lisbeth) Chotzen, née Weiss, who was born in Breslau, Germany (today Wroclaw, Poland), and was married to [REDACTED], owned a Swiss bank account. The Claimant indicated that her aunt, who was Jewish, resided in Breslau. According

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

<sup>2</sup> The Claimant submitted a claim, numbered B-02322, on 17 July 1998, 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 650014.

<sup>3</sup> The CRT did not locate an account belonging to Elisabetha (Elisabeth or Lisbeth) Chotzen, or to Elisabetha (Elisabeth) 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”).

<sup>4</sup> In this claim, the Claimant also claimed the accounts of Louis Freund and Elkan Weiss. The CRT will treat the claims to these accounts in separate determinations.

to the Claimant, her aunt perished in a concentration camp in 1942. The Claimant indicated that she was born on 13 November 1935 in Breslau.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Elisabetha (Lisbeth) Chotzen, née 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 two accounts whose owners' or 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 1013529

Bank 1's records indicate that Account Owner 1 was Lisbeth Weiss, who resided in Germany. Bank 1's records also indicate Account Owner 1's professional title and city of residence. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

#### Account 5024091

Bank 2's records indicate that Account Owner 2 was Robert Weiss, who resided in Oelsnitz, Germany, and that the Power of Attorney Holder was Elisabeth Weiss. Bank 2's records also indicate Account Owner 2's title, profession, and street address, and the Power of Attorney Holder's street address, city and country of residence. In addition, Bank 2's records indicate the relationship between Account Owner 2 and the Power of Attorney Holder. Bank 2's records also indicate the date on which the Power of Attorney Holder was granted power of attorney, and include the signatures of Account Owner 2 and the Power of Attorney Holder. These records also include the name and signature of a second person to whom Account Owner 2 granted power of attorney, who also appears to be related to Account Owner 2.

### **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 and Power of Attorney Holder

As for Account 1013529, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her aunt 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 aunt resided in Breslau, Germany (today Wroclaw, Poland). In contrast, Bank 1's records show that Account Owner 1 resided in a different city, which is located over 300 kilometers away from Breslau, and to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 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 5024091, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her aunt 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 2's records. Specifically, the Claimant stated that her aunt resided in Breslau. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different city, which is located over 300 kilometers away from Breslau, and to which the Claimant established no connection. In addition, the CRT notes that the Claimant has not identified Account Owner 2, even though Account Owner 2 is related to the Power of Attorney Holder, or the other person who held power of attorney over the account, even though that person appears to be related to the Power of Attorney Holder and Account Owner 2. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's aunt are the same person.

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

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in 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 Elisabeth Weiss's surname, which include Weisz, and has determined that these accounts do not belong to the Claimant's relative.

### 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  
30 September 2005