

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**Claimed Account Owners: Victor Weiss, Berta Hirsch, *Carmen Societate Anonima Romana*
and *Pentru Transporturi Int./Maritime*¹**

Claim Number: 223249/RT

This determination is based on the claim of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by his grandfather Victor Weiss and potentially opened by Berta Hirsch. In a letter sent to the CRT in 2000, the Claimant further asserted his entitlement to accounts belonging to the companies *Carmen Societate Anonima Romana* and *Pentru Transporturi Int./Maritime*. The CRT did not locate an accounts belonging to Victor Weiss, *Carmen Societate Anonima Romana* and *Pentru Transporturi Int./Maritime* 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”).²

This Certified Denial is to a Swiss bank account potentially owned by the Claimant’s grandfather and opened by Berta (Bertha) Hirsch (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.

Information Provided by the Claimant

The Claimant submitted a claim stating that Berta Hirsch, who resided in Frankfurt am Main, Germany, opened a Swiss bank account on behalf of his grandfather, Victor Weiss, who was Jewish, in order to safeguard this sum from the Nazis.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

² In his letter dated 28 January 2000, the Claimant asserted that he was entitled to the accounts of *Carmen Societate Anonima Romana* and *Pentru Transporturi Int./Maritime*, which were included on the 23 July 1997 list of account owners published by the Swiss Bankers Association. These accounts were not among those identified by the auditors who carried out the investigation of Swiss banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”)” and are not included in the Account History Database, which was prepared by the ICEP auditors.

The CRT's Investigation

The CRT matched the name of Berta (Bertha) Hirsch to the names of all account owners in the Account History Database and identified accounts belonging to individuals 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. If an account owner's place of residence was published, that place of residence is also listed.

Name: Fräulein Berta Hirsch (AKA Frau Berta Berger, Offenbach, Germany)

Account Identification Number: 5034240

Specifically, the Claimant stated that Berta Hirsch, who resided in Frankfurt am Main, opened a Swiss bank account on behalf of his grandfather, Victor Weiss. In contrast, the records show that the account owner resided in Offenbach am Main. The CRT notes that both Offenbach and Frankfurt are major cities, thus rendering it unlikely that a resident of Offenbach would indicate Frankfurt as his or her place of residence, even for the purposes of maintaining a Swiss bank account. The CRT further notes that the records do not indicate that the account was opened on behalf of any other person but the account owner herself. Finally the CRT notes that the Claimant did not identify the power of attorney holder, who was closely related to the account owner.

Name: Berta Hirsch (Vienna, Austria)

Account Identification Number: 5023833

Specifically, the Claimant stated that Berta Hirsch, who resided in Germany, opened a Swiss bank account on behalf of his grandfather, Victor Weiss, in order to conceal the assets from Nazi officials. In contrast, the records show that the account owner resided in Austria and opened the accounts many years before the Nazis came to power in Germany. The CRT further notes that the Claimant did not identify the power of attorney holder, who was closely related to the account owner.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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 CRT now considers the Claimant’s claim to the accounts of Victor Weiss, Berta Hirsch, Carmen Societate Anonima Romana and Pentru Transporturi Int./Maritime closed. Please note that this decision applies only to the Claim Number and Claimed Account Owners identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
11 March 2009