

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Alisa Kirby

**Claimed Account Owners: Julius Wertheimer, Hedwig Wertheimer
and Hans Wertheimer¹**

Claim Numbers: 211814/SB; 401537/SB

This determination is based on the claims of Alisa Kirby (the “Claimant”) to a Swiss bank account potentially owned by Julius Wertheimer, Hedwig Wertheimer and Hans Wertheimer. The CRT did not locate an account belonging to Julius Wertheimer or Hedwig Wertheimer 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”).

This Certified Denial is to a Swiss bank account potentially owned by the Claimant’s relative, Hans Wertheimer (the “Claimed Account Owner”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted claims stating that her brother, Hans Wertheimer, who was Jewish, was born in 1926 and resided in Nuremberg, Germany, until his deportation in 1941. The Claimant further stated that it is possible that her parents deposited money in her brother’s name.

The CRT’s Investigation

The CRT matched the name of Hans Wertheimer 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

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

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 Owners

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: Hans Wertheimer (Germany)²

Account Identification Numbers: 1000647, 1000648, 1000649 and 1000650

Specifically, the Claimant stated that her relative, Hans Wertheimer, resided in Nuremburg, Germany. In contrast, the records show that the account owner resided in a different city which is over 200 kilometers from Nuremburg. The CRT notes that Nuremburg and the account owner's city of residence are major cities, rendering it unlikely that a resident of Nuremburg would indicate the account owner's distant city of residence as their place of residence, even for the purposes of maintaining a Swiss bank account. The CRT further notes, with regards to the Claimant's statement that the account may have been opened by her parents, that there is no evidence in the records to indicate that any person other than the account owner opened the accounts at issue.

Name: Hans Wertheimer

Account Identification Numbers: 1014503 and 1014504

Specifically, the Claimant stated that her relative, Hans Wertheimer, resided in Germany. In contrast, the records show that the account owner resided in different countries. The CRT also notes that Hans Wertheimer was born in 1926, whereas the records indicate that the account owner had a professional occupation at a time when Hans Wertheimer was still a young child.

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.

² The CRT notes that on the list of 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"), that there are four individuals named Hans Wertheimer, each indicated as having one account. Upon careful review, the CRT has concluded that the records evidence that these four individuals are the same person.

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 claims to the accounts of Julius Wertheimer, Hedwig Wertheimer and Hans Wertheimer closed. Please note that this decision applies only to the Claim Numbers 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 Numbers 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
12 April 2007