

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Ida Zimmermann

Claim Number: 150057/AX¹

This Certified Denial is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Ida Zimmermann (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and the unpublished account of Ida Zimmermann (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published, but where a claimant has requested confidentiality, the names of the claimant, any relatives of the claimant other than the account owner, and the banks have been redacted.²

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her maternal great-grandmother Ida Zimmermann, née Frisch, who was born in 1863 in Velka-Ida, Czechoslovakia, and was married to [REDACTED] in Velka-Ida owned a Swiss bank account. The Claimant stated that her great-grandparents had three children: the Claimant’s grandmother, [REDACTED], and [REDACTED]. The Claimant stated that her great-grandfather was a businessman who owned a hat factory and her great-grandmother was a homemaker who joined her husband on business trips to Berlin, Germany; London, the United Kingdom; Switzerland; and to France. The Claimant further stated that her great-grandmother, who was Jewish, perished in Auschwitz in 1944, along with her husband and three daughters. The Claimant indicated that she was born on 18 July 1946 in Kadaň, Czechoslovakia. The Claimant represents her daughter, [REDACTED 2], who was born in 1981.

The Claimant submitted documents in support of her application, including: (1) her grandmother’s birth and marriage certificates; (2) her mother’s birth and marriage certificate; (3)

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Number 150057. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 150057.

² The CRT notes that the Claimant did not indicate whether or not she preferred confidential treatment of her claim. As a matter of policy, in such situation the CRT affords the Claimant confidential treatment.

population registry records for her grandmother, and (4) a copy of a bank account held by the Claimant's great-grandmother at the [REDACTED], that has been awarded to the Claimant.³ The records of this Bank indicate that the account owner listed Hungary as her country of residence.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ida Zimmermann. 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' names match that 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 5035148

Bank 1's records indicate that the Account Owner was Ida Zimmermann, who resided in Berlin, Germany.

Account 4019498

Bank 2's records indicate that the Account Owner was Ida Zimmermann. The Bank's records also indicate Account Owner 2's country, city of residence, and street address. Furthermore, the Bank's records indicate Account Owner 2's maiden name.

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

As for Account 5035148, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her relative matches the published name of

³ That account, held at the London branch of that Bank, was seized by the UK authorities during World War Two and restituted after the War. The CRT has reviewed the documents pertaining to that account to determine whether additional payment would be appropriate. According to the documents submitted by the Claimant, that account contained assets valued at 5449.76 Pounds Sterling ("£"). According to a decision by the Enemy Property Claims Assessment Panel ("EPCAP"), that amount was adjusted by a factor of 23.16, to take account of the change in the United Kingdom Retail Prices Index since the account was confiscated. The total award amount was therefore £12621.44. This amount is greater than the award amount calculated pursuant to the CRT's Rules Governing the Claims Resolution Process, as amended (the "Rules"), which currently provides for an adjustment factor of 12.5. Accordingly, the CRT has determined that an additional payment for this account is not appropriate.

Account Owner 1, the information provided by the Claimant differs from the published information about the Account Owner available in Bank 1's records. Bank 1's records indicate that Account Owner 1 resided in Berlin. In contrast, the Claimant indicated that her great-grandmother was Slovakian, and the documents submitted by the Claimant indicate that her great-grandmother resided in Czechoslovakia. Although the Claimant stated that her great-grandmother travelled with her husband on business trips, including trips to Berlin, the Claimant could not provide the CRT with a reasonable explanation as to why her great-grandmother would open an account using Berlin as her city of residence. In contrast, the Claimant did provide an example of an award to a Swiss bank account owned by her great-grandmother in London. However, in that account, her great-grandmother did not use London as her city of residence, but used her hometown in Czechoslovakia (later, Hungary). Furthermore, the Claimant could not provide any documentation linking her great-grandmother to Germany. Finally, in a telephone conversation with the CRT on the 18 August 2004, the Claimant could not provide any additional information regarding her great-grandmother, or a reason for her great-grandmother to use Berlin as her city of residence. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's great-grandmother are the same person.

As for Account 4019498, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her great-grandmother matches the unpublished name of Account Owner 2, the information provided by the Claimants differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant indicated that her great-grandmother's maiden name was Frisch. In contrast, Bank 2's records indicate that Account Owner 2 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-grandmother are the same person.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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
10 December 2004