

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Hayk Hunanyan and Aris Hunanyan

in re Account of Pauline Zimmermann-Bender

Claim Number: 210900/SB^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Pauline Zimmermann-Bender (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 Form asserting that her great-aunt by marriage, Pauline Zimmermann,³ who was married to her great-uncle, [REDACTED], owned a Swiss bank account. The Claimant stated that her great-aunt, who was Jewish, resided in Warsaw, Poland, St. Petersburg and Moscow (today part of Russia) and Kiev (today part of the Ukraine). The Claimant did not indicate the fate of her great-aunt, but did state that Artur Zimmermann was murdered by the Nazis. The Claimant indicated that she was born on 15 May 1959 in Yerevan (today part of Armenia).

¹ The Claimant submitted four additional claims, which are registered under the Claim Numbers 207309, 212723, 213593 and 213967. The CRT will treat these claims in separate determinations.

² The Claimant submitted Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the Claim Numbers 738633, 738634, 738635, 738637 and 738638. The CRT will treat these claims in separate determinations.

³ The CRT did not locate an account belonging to Pauline Zimmermann 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”).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Pauline 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 one account whose owner's name matches that provided by the Claimant. The 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 5027660

The Bank's records indicate that the Account Owner was Pauline Zimmermann-Bender, who resided in Todtnau, Germany.

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

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her great-aunt matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her great-aunt resided in Poland and the former Soviet Union. In contrast, the Bank's records show that the Account Owner resided in Germany. The CRT also notes that the Claimant did not identify the Account Owner's hyphenated last name of Bender. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's great-aunt 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 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
27 February 2007