

# 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 Clara Zoellner<sup>1</sup>**

Claim Number: 501271/SB<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED]. The CRT did not locate an account belonging to [REDACTED] 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 Denial is to the account published in the name of Clara Zoellner, who in fact held a power of attorney over this account (the “Power of Attorney Holder”) 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 three of his cousins, all of whom were named [REDACTED] and were Jewish, owned a Swiss bank account. The Claimant stated that the first cousin was born on 18 August 1883 in Posen, Germany, resided in Berlin, Germany and was murdered by the Nazis in Riga in 1942. The Claimant also stated that this cousin never married. The Claimant further stated that the second cousin, [REDACTED], née [REDACTED], was born on 15 February 1910, in Berlin, was married to [REDACTED], and also resided in Berlin. The Claimant also stated that the family has no information regarding the fate of this cousin. The Claimant continued that the third cousin, [REDACTED], née [REDACTED], was born on 3 September 1918, in Berlin, was married to [REDACTED], and resided in Berlin. The

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<sup>1</sup> 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”), [REDACTED] is indicated as owning an account. Upon careful review, the CRT has concluded that the Bank’s records indicate that [REDACTED] was not the account owner, but the power of attorney holder, and that a different person owned the account.

<sup>2</sup> The Claimant submitted an additional claim to the accounts of [REDACTED], which is registered under the Claim Number 501281. The CRT will treat the claim to these accounts in a separate determination.

Claimant stated that she was murdered by the Nazis in Auschwitz. The Claimant indicated that he was born on 10 April 1975 in San Francisco, the United States.

The Claimant submitted documents in support of his application, including the birth certificate for the first cousin described above.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, [REDACTED]. The auditors who carried out the ICEP Investigation reported one account whose power of attorney holder's name matches those 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 4021252

The Bank's records indicate that the Power of Attorney Holder was Clara Zoellner. The Bank's records also indicate the Power of Attorney Holder's country and city of residence and the name and city and country of residence of the person who owned the account. The Bank's records further indicate the name of another person who held power of attorney and their city and country of residence.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

#### Identification of the Power of Attorney Holder

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the names of his three cousins match the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his cousins resided in Berlin, Germany. In contrast, the Bank's records show that the Power of Attorney Holder resided in another city, which is over 800 kilometers from Berlin, and to which the Claimant did not demonstrate any connection. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's relatives are the same person.

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

### 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 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 his 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  
21 September 2005