

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Paul Bauer

Claim Number: 600767/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Paul Bauer. This Denial is to the published accounts of two individuals named Paul Bauer (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”), to the unpublished account of Paul Bauer (“Account Owner 3”) at the [REDACTED] (“Bank 2”), and to the published account of Paul Bauer (“Account Owner 4”) held at an unknown bank (“Bank 3”).²

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 to the Holocaust Claims Processing Office (“HCPO”) asserting that his maternal grandfather, Paul Bauer, who was born in Frankfurt am Main, Germany, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that his grandfather, who was Jewish, resided in Frankfurt am Main, where he worked as a textile merchant. The Claimant further stated that his grandfather was imprisoned by the Nazis and interned in a camp for a few years until his release in 1939, when he then fled Germany for the United States. According to the Claimant, the family lost contact with his grandfather and presumed that he died sometime during the Second World War in the New York City area. The Claimant indicated that he was born on 16 July 1959 in Paris, France.

¹ The Claimant submitted a claim, numbered B-01572, on 19 November 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600767.

² In this claim, the Claimant also claimed the accounts of Edith Bauer and Louisa Bauer. The CRT will treat the claim to these accounts in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Paul Bauer. 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 four 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 1000656

Bank 1's records indicate that Account Owner 1 was Paul Bauer. Bank 1's records also indicate Account Owner 1's city and country of residence, title, and profession.

Account 1001386

Bank 1's records indicate that Account Owner 2 was Paul Bauer. Bank 1's records also indicate two cities and countries of residence for Account Owner 2 and the date of closing of the account at issue.

Account 3016923

Bank 2's records indicate that Account Owner 3 was Paul Bauer. Bank 2's records also indicate Account Owner 3's title, city and country of residence, and street address. Bank 2's records also indicate the name of an individual who jointly held the account at issue with Account Owner 3, and a name of an individual who held power of attorney over the account at issue. Furthermore, Bank 2's records indicate the date on which the power of attorney form was signed. Finally, Bank 2's records contain Account Owner 3's signature.

Account 6001453

Bank 3's records indicate that Account Owner 4 was Paul Bauer. Bank 3's records also indicate Account Owner 4's 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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 1000656, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published name of

Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant did not indicate that his grandfather held a title and stated that his grandfather was a textile merchant, whereas Bank 1's records indicate that Account Owner 1 held a title and had a different profession. Moreover, the Claimant stated that his grandfather resided in Frankfurt am Main, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a city, which is over 150 kilometers from Frankfurt am Main, which the Claimant did not identify, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Account 1001386, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandfather matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his grandfather resided in Frankfurt am Main, Germany. In contrast, Bank 1's records show that Account Owner 2 resided in two other countries, which were not indicated by the Claimant as residences of his grandfather. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

As for Account 3016923, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his grandfather matches the unpublished name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his grandfather resided in Frankfurt am Main, Germany. In contrast, Bank 1's records show that Account Owner 3 resided in a city that is over 400 kilometers from Frankfurt am Main, to which the Claimant established no connection. In addition, the CRT notes that the Claimant did not indicate a title held by his grandfather, whereas Bank 2's records indicate that Account Owner 3 held a title. The CRT also notes that the Claimant did not identify the individual who jointly held the account at issue with Account Owner 3, even though they appear to be related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's grandfather are the same person.

As for Account 6001453, the CRT concludes that the Claimant has not identified Account Owner 4 as his relative. Although the name of his grandfather matches the published name of Account Owner 4, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 available in Bank 3's records. Specifically, the Claimant stated that his grandfather resided in Frankfurt am Main, Germany. In contrast, Bank 3's records show that Account Owner 4 resided in a different country, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's grandfather 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 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, which 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