

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

Claimed Account Owners: Hermann Berger and Jolana Berger¹

Claim Number: 004516/MG

This determination is based on the claim of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by Hermann Berger and Jolana Berger. The CRT did not locate an account belonging to Jolana (Ilona) Berger 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 father, Hermann Berger (the “Claimed Account Owner”).

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 stating that her father, Hermann Berger, who was Jewish, was an engineer who resided in Czechoslovakia. The Claimant stated that her father also worked in Germany, Austria, Romania and Hungary. The Claimant also indicated that she was born in 1937 in Czechoslovakia.

The CRT’s Investigation

The CRT matched the name of Hermann Berger 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

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

names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and 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 Owner

The list below contains names of account owners and power of attorney holders 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 or a power of attorney holder are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Hermann Berger (Ranchen, Germany)

Account Identification Number: 5027551

Specifically, the Claimant stated that her father, Hermann Berger, was an engineer. The Claimant also indicated that her father resided in Czechoslovakia. In contrast, the records show that the account owner had a different profession and resided in Ranchen, Germany.

Name: Hermann Berger (power of attorney holder)

Account Identification Number: 5026466

Specifically, the Claimant indicated that her father, Hermann Berger, resided in Czechoslovakia. In contrast, the records show that the power of attorney holder resided in another country. The CRT also notes that the Claimant did not identify the account owner and the other power of attorney holder who seem to have been closely related to power of attorney holder Hermann Berger.

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.

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 claim to the accounts of Hermann Berger and Jolana Berger closed. Please note that this decision applies only to the Claim Number 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 Number 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
29 September 2008