

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

**in re Account of Jacques Levylier
(Power of Attorney Holder Jean Pierre Bernheim)¹**

Claim Number: 501589/WT

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Denise Bernheim, née Paraf.² This Denial is to the published account of Jacques Levylier (the “Account Owner”) at the [REDACTED] (the “Bank”), over which Jean Pierre Bernheim (the “Power of Attorney Holder”) held power of attorney.

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 identifying the Power of Attorney Holder as her father, Jean Pierre Bernheim, who was born on 15 September 1904, and was married to Denise Bernheim, née Paraf, on 23 January 1929 in Paris, France. The Claimant indicated that her parents, who were Jewish, lived at Rütimeyerstrasse 22 in Basel, Switzerland, until 1939, when they returned to France, where they resided for the duration of the Second World War. In a telephone conversation with the CRT on 24 January 2006, the Claimant stated that her father was an industrialist in the textile business, and that he had an office in Paris. The Claimant indicated that her father died in 1976, and that her mother died in 1984. The Claimant indicated that her parents had four children, and that she and her two surviving siblings are her parents’ only surviving heirs. The Claimant submitted a copy of her identification card, indicating that her name is [REDACTED], that she is a French citizen, and that she was born on 9 September 1931 in Basel.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as their relative.

² In a separate decision, the CRT awarded the accounts of Jean Pierre Bernheim to the Claimant. See *In re Accounts of Jean Pierre Bernheim* (approved on 6 May 2006).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her mother, Denise Bernheim, née Paraf. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported three accounts whose owner's name matched that provided by the Claimant. In a separate decision, the CRT noted that upon careful review, the Bank's records indicated the evidence of seven accounts whose owner's name matched that of the Claimant's father, and that the Claimant's mother's name matched the power of attorney holder's name on three of these accounts.

The Bank's record indicates that the Account Owner was Jacques Levylier, who resided in Neuilly sur Seine, France, and that the Power of Attorney Holder was Jean Pierre Bernheim. The Bank's record further indicates the Account Owner's street address and the Power of Attorney Holder's street address, city and country of residence.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with an additional document. This document indicates two different correspondence addresses of the Account Owner.

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 and the Power of Attorney Holder

The CRT concludes that the Claimant has plausibly identified the Power of Attorney Holder. The Claimant's father's name matches the published name of the Power of Attorney Holder. The Claimant identified her father's city and country of residence, including his street address, which matches unpublished information about the Power of Attorney Holder contained in the Bank's records. The CRT notes that the Claimant did not identify the Account Owner.

Status of the Account Owner and Power of Attorney Holder as Victims of Nazi Persecution

The CRT notes that the Claimant has not provided any information as to whether the Account Owner was a Victim of Nazi Persecution. However, the Claimant has made plausible showing that the Power of Attorney Holder was a Victim of Nazi Persecution. The Claimant stated that her father was Jewish and resided in Nazi-occupied France.

The Claimant's Relationship to the Account Owner

The CRT notes that the Claimant plausibly identified the Power of Attorney Holder as her relative, but did not identify the Account Owner as her relative. The CRT notes 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 Account Owner, 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.

In the absence of a family relationship between the Claimant and the Account Owner or the Account Owner and Power of Attorney Holder, or a will or testamentary documents indicating that the Claimant is a beneficiary of the Account Owner, the CRT concludes that the Claimant is not entitled to the Account Owner's account.

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 there 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
4 February 2008