

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial upon Request for Reconsideration

to Claimant [REDACTED]

Claimed Account Owner: Margarete Lewy

Claim Number: 501140/MC

Appeal Number: 3021

This Certified Denial upon Request for Reconsideration is based on the claim of [REDACTED] (the “Claimant”) to Swiss bank accounts potentially owned by the Claimant’s maternal grandmother, Margarete (Margarethe) Lewy, née Löwenstädt (the “Claimed Account Owners”).

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.

Procedural History

In a decision dated 13 November 2008, the Claimant’s claim to the accounts of Margarete Lewy was deemed inadmissible because the Claimant did not identify the Claimed Account Owner as a Victim of Nazi Persecution as defined by the Settlement Agreement.

In a letter dated 14 December 2008, the Claimant requested reconsideration of the Inadmissibility Decision. The Claimant provided additional information in support of the request for reconsideration regarding Margarete Lewy, as further described below.

Admissibility of the Request for Reconsideration

According to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), any request for reconsideration must be accompanied by new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Article 30 specifies that Claimants seeking reconsideration should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the decision.

The CRT has determined that the Claimant has satisfied the requirements of Article 30 by submitting new information that directly addresses the conclusions stated in the Inadmissibility Decision.

Information Provided with Request for Reconsideration

In her request for reconsideration, the Claimant explained that her maternal grandmother Margarethe (Margarete) Lewy died on 23 November 1925. She noted, however, that her mother (Margarethe Lewy's daughter) [REDACTED], who was a direct heir of Margarethe Lewy, was a Victim of Nazi persecution. The Claimant stated that her mother, who took the name [REDACTED] as her maiden name in approximately 1933, was married to [REDACTED], and that they were both Jewish. The Claimant explained that she herself was sent on a *Kindertransport* from Berlin to England as a three year old child in 1937, and that her mother hid in Berlin until she was able to flee to England in 1937. The Claimant also explained that her father was a displaced scholar, who was helped by a Jewish organization in 1937. The Claimant explained that according to her own research, four members of her mother's family were murdered by the Nazis, including her aunt [REDACTED], who died in Lodz in 1942, two aunts named [REDACTED] and [REDACTED], who perished in Theresienstadt, and a grand-niece named [REDACTED].

The CRT's Investigation

The CRT has reviewed the new information provided by the Claimant in her request for reconsideration, together with the information provided in the original claim. According to this review, even though the Claimant's grandmother Margarethe Lewy died in 1925, her direct heir was a Victim of Nazi persecution. The Claimant's mother, who was a direct heir of Margarethe Lewy, was a Victim of Nazi Persecution as defined by the Settlement Agreement. Accordingly, the CRT concludes that the Claimant's claim is admissible.

Therefore, as appropriate for an admissible claim, the CRT matched the name of Margarethe (Margarete) Lewy, née Löwenstädt, 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 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 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 are not the same person. If an account owner's place of residence was published,

that place of residence is also listed.

Name: Margarete Lewy (Breslau, Germany)

Account Identification Numbers: 5023781; 5029621

Specifically, the Claimant stated that her grandmother, Margarethe Lewy, died in 1925. In contrast, the bank records show that the accounts were opened several years after the Claimant's grandmother passed away. The CRT notes that the Claimant did not identify the joint owner of the accounts, even though this person was closely related to the account owner. The CRT also notes that the Claimant did not establish a connection between her grandmother and Breslau, which is the published city of residence of the actual owner of the account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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.

Certification of the Denial upon Request for Reconsideration

The CRT certifies this Denial upon Request for Reconsideration for approval by the Court.

Claims Resolution Tribunal
17 December 2010