

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

**in re Accounts of Alice Bettina Löwbeer (AKA Stadler, Alice Bettina)
(Power of Attorney Holder Victor Schloss)**

Claim Number: 212317/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to accounts of [REDACTED], [REDACTED] and [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 accounts published as the accounts of Alice Bettina Löwbeer, at the [REDACTED] (the “Bank”).¹

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 his grandmother, [REDACTED], née [REDACTED], who was born on 25 November 1872 in Vienna, Austria, and was married to [REDACTED] on 26 June 1904 in Vienna, owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, resided in Vienna until 1941 and emigrated to Montevideo, Uruguay, on an unspecified date. The Claimant further stated that his grandmother died in Montevideo on 4 November 1950. The Claimant indicated that he was born on 2 January 1942 in Montevideo.

¹ 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 three accounts. Upon careful review, the CRT has concluded that the bank records evidence account ownership by two different individuals named [REDACTED] (hereinafter “Account Owner 1” and “Account Owner 2”), and indicate that both of these individuals jointly held their accounts with another person. Moreover, on the ICEP List, Victor Schloss is indicated as being the Power of Attorney Holder for all three accounts. Upon careful review, the CRT has concluded that the bank records indicate that Victor Schloss was the Power of Attorney Holder for only one of the accounts at issue.

The Claimant submitted documents in support of his application, including his mother's birth certificate, which indicates that her mother's name was [REDACTED], née [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, [REDACTED], née [REDACTED]. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names matches 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 5024783

The Bank's records indicate that Account Owner 1 was Alice Bettina Löw-Beer. The Bank's records further indicate Account Owner 1's nationality and city and country of residence, as well as the name, city and country of residence, and nationality of an individual who jointly held the account with Account Owner 1. The Bank's records also indicate the year of opening of the account.

Accounts 5026609 and 5030018

The Bank's records indicate that Account Owner 2 was Alice Löw-Beer, and that the Power of Attorney Holder for one of the accounts was Victor Schloss. In addition, the Bank's records indicate Account Owner 2's two cities and countries of residence, and the name and city and country of residence of an individual who jointly held the accounts with Account Owner 2. Furthermore, the Bank's records indicate the dates of opening and closing of one the accounts at issue. Finally, the Bank's records contain Account Owner 2's signature.

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 Account Owners

Account 5024783

As for Account 5024783, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandmother matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his grandmother resided in Vienna, Austria until 1941, and that she subsequently emigrated to Montevideo, Uruguay. In contrast, the Bank's records show that

Account Owner 1 resided in a different country, to which the Claimant established no connection. In addition, the Bank's records indicate that Account Owner 1 was a citizen of a country to which the Claimant established no connection. Moreover, the CRT notes that the Claimant did not identify the individual who jointly held the account with Account Owner 1, even though that individual appears to be related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has identified other claimants who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

Accounts 5026609 and 5030018

As for Accounts 5026609 and 5030018, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandmother matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his grandmother resided in Vienna, Austria until 1941 before emigrating to Montevideo on an unspecified date. In contrast, the Bank's records show that Account Owner 2 resided in a different country before 1941. The CRT also notes that the Claimant did not identify either the individual who jointly held the accounts at issue with Account Owner 2, even though that person appears to be related to Account Owner 2, or the individual who held power of attorney over one of the accounts. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has identified other claimants, who plausibly identified Account Owner 2 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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 the 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