

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 Hanny Rothschild
and
Accounts of Ernst Israel
and
Accounts of Irma Friedmann**

Claim Number: 501076/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Hanny (Hanni) Rothschild, Ernst Israel and Irma Friedmann.^{2, 3} This Denial is to the published account of Hanny Rothschild (“Account Owner 1”), to the published accounts of Ernst Israel (“Account Owner 2”), and to the published accounts of Irma Friedmann (“Account Owner 3”), all at the [REDACTED] (the “Bank”).

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 Hanny Rothschild, Ernst Israel, and Irma Friedmann, who were relatives of her former employers, Fritz and Edith Schlesinger, owned Swiss bank accounts. The Claimant stated that Hanny Rothschild, who was Jewish, was born in Germany and moved to the United Kingdom on an unknown date, where she died on an unknown date. The Claimant further stated that Ernst Israel, who was Jewish, was born in Germany and moved to Australia on an unknown date, where he died on an unknown date. The Claimant also stated that Irma Friedmann’s maiden name was Friedmann, that she was married

¹ The Claimant submitted an additional claim, which is registered under the Claim Number 500423. The CRT will treat this claim in a separate determination.

² In this claim, the Claimant also claimed the accounts of Max Schlesinger, Josef Berliner and Klara Berliner. The CRT will treat the claim to these accounts in separate determinations.

³ The CRT did not locate an account belonging to Hanny Rothschild 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”).

to a member of the Schlesinger family, and that she later married a Mr. Mautner. The Claimant stated that Irma Friedmann, who was Jewish, was born in Austria and moved to Australia on an unknown date, where she died in 1963. The Claimant indicated that she was born on 14 February 1946 in Brazil.

The Claimant submitted documents in support of her claim, including Elisabeth Schlesinger's (Fritz Schlesinger's mother) claim for compensation with the authorities in Bremen, Germany, which indicates that Irma Mautner, née Friedmann, was married to a member of the Schlesinger family. In addition, the Claimant submitted Edith Schlesinger's last will and testament, dated 20 January 1988, which indicates that she was married to Fritz Schlesinger, and that Edith Schlesinger named the Claimant, who helped administer her household in Brazil, as one of the beneficiaries to her estate, bequeathing to her, amongst other items, one third of a bank account held in Edith Schlesinger's name, and the right to any bank account subsequently discovered to have belonged to Edith Schlesinger.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to Hanny Rothschild, Ernst Israel and Irma Friedmann. The auditors who carried out the ICEP Investigation reported eight accounts whose owners' names match those 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 1000185

The Bank's records indicate that Account Owner 1 was Hanny Rothschild, who resided in Germany. The Bank's records also indicate Account Owner 1's city of residence, title and the name of a person who jointly owned the account. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

Accounts 1009241, 1009242, 1009243, 1009244, 1009245

The Bank's records indicate that Account Owner 2 was Ernst Israel, who resided in Germany. The Bank's records also indicate Account Owner 2's city of residence in Germany and two other cities and countries of residence. Furthermore, the Bank's records indicate the dates of opening and closing for two of the accounts at issue.

Accounts 1011958 and 1011959

The Bank's records indicate that Account Owner 3 was Irma Friedmann, who resided in Austria. The Bank's records also indicate Account Owner 3's marital status and city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

The CRT's Analysis

Admissibility of the Claim

For the purposes of this Denial, 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 1000185, the CRT concludes that the Claimant has not identified Account Owner 1 as the relative of her former employers. Although the name of the Claimant's former employers' relative matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant failed to identify Account Owner 1's city of residence, and furthermore the Claimant failed to identify the joint account owner, even though this person appears to be related to Account Owner 1. Moreover, the Claimant did not indicate that her former employer's relative had a title. In contrast, the Bank's records show that Account Owner 1 had a title. Consequently, the CRT is unable to conclude that Account Owner 1 and the relative of the Claimant's former employer are the same person.

As for Accounts 1009241, 1009242, 1009243, 1009244, 1009245, the CRT concludes that the Claimant has not identified Account Owner 2 as the relative of her former employers. Although the name of the Claimant's former employers' relative 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 the Bank's records. Specifically, the Claimant stated that her former employer's relative resided in Germany and later Australia. In contrast, the Bank's records show that Account Owner 2 resided in Germany and two other countries, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the relative of the Claimant's former employer are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, 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.

As for Account 1011958 and 1011959, the CRT concludes that the Claimant has not identified Account Owner 3 as the relative of her former employers. Although the name of the Claimant's former employers' relative matches the published name of Account Owner 3, the CRT notes that the Claimant did not identify Account Owner 3's city of residence. Further, the Claimant stated that Irma Friedmann was the maiden name of the relative of her former employers, which is inconsistent with information contained in the Bank's records. Consequently, the CRT is unable to conclude that Account Owner 3 and the relative of the Claimant's former employer are the same person.

The Claimant's Relationship to the Account Owners

The CRT notes that the Claimant submitted a claim to accounts belonging to Hanni Rothschild, Ernst Israel, and Irma Friedmann, who were relatives of the Claimant's former employers, Fritz

and Edith Schlesinger. In support of her claim, the Claimant submitted documentation indicating that she is a beneficiary of the estate of Edith Schlesinger. However, the Claimant has not submitted any documents that demonstrate that Edith Schlesinger was the beneficiary of Hanni Rothschild's, Ernst Israel's and/or Irma Friedmann's estates, or that the Claimant, herself, was a beneficiary of Hanni Rothschild's, Ernst Israel's or Irma Friedmann's estates. The Claimant does not assert, nor do the facts indicate, that she is related, either by blood or by marriage, to the persons whose accounts she claims. The Claimant's relationship to the claimed account owners does not fall within any of the provisions outlined by Article 23 of the Rules, which sets forth the CRT's General Rule on Distribution. Therefore, even if the Claimant had correctly identified the Account Owners as the relatives of her former employer, she would not have been entitled to receive the proceeds of the claimed accounts.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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 her 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
23 January 2006