

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by [REDACTED]

**in re Account of Marianne Schlesinger  
(Power of Attorney Holder Fritz Schlesinger)<sup>1</sup>  
and  
Accounts of Frau Fanny Schlesinger, *Erben*  
(AKA Frau Fanny Kuffner, *Erben*)<sup>2</sup>**

Claim Number: 500423/SB<sup>3</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Fritz Frederico Schlesinger and Edith Schlesinger. The CRT did not locate an account belonging to Fritz Frederico Schlesinger or Edith Schlesinger 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 published account of Marianne Schlesinger (“Account Owner 1”), and to the published accounts of Frau Fanny Schlesinger, *Erben* (“Account Owner 2”), 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 owners, and the bank have been redacted.

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s former employer, the CRT has reviewed and analyzed all accounts whose owners’ names, or power of attorney holders’ names are substantially similar to that of the Claimant’s former employer, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as her former employer.

<sup>2</sup> 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”), Fritz Schlesinger, Gertrude Hofmannsthal and Marie Schereschewsky are identified as holding power of attorney over the accounts held by Fanny Schlesinger, *Erben* (“the Estate of Fanny Schlesinger”). Upon careful review, the CRT has concluded that the Bank’s records indicate that Fritz Schlesinger, Gertrude Hofmannsthal and Marie Schereschewsky were beneficiaries to the Estate of Fanny Schlesinger.

<sup>3</sup> The Claimant submitted additional claims to the accounts of Max Schlesinger, Hanni Rothschild, Ernst Israel, Irma Friedman, Josef Berliner and Klara Berliner, which are registered under the Claim Number 501076. The CRT will treat the claims to these accounts in separate decisions.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that her former employer, Fritz (Frederico) Schlesinger, who was born on 18 October 1894 in Ratibor, Germany (today Raciborz, Poland), and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that Fritz Schlesinger and his wife had no children. The Claimant further indicated that Fritz Schlesinger, who was Jewish, was interned at a concentration camp during the Second World War, but provided no details regarding his internment. The Claimant also indicated that Fritz Schlesinger and his wife emigrated to Brazil on an unspecified date, and that Fritz Schlesinger died in Rio de Janeiro on 25 March 1970. The Claimant indicated that she was born on 14 February 1946 in Brazil.

The Claimant submitted documents in support of her application, including a decision rendered by the *Entschädigungsamt* ("Compensation Office") in Berlin, Germany, which indicates that Fritz Schlesinger was a publisher and bookstore owner in Berlin until July 1933. In addition, the Claimant submitted [REDACTED]'s last will and testament, dated 20 January 1988, which indicates that she was married to Fritz Schlesinger, and that [REDACTED] 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 [REDACTED]'s name, and the right to any bank account and any securities subsequently discovered to have belonged to [REDACTED].

## **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her former employer, Fritz Schlesinger. The auditors who carried out the ICEP Investigation reported one account whose power of attorney holder's name matches that provided by the Claimant, and two whose beneficiary's name 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 5024419

The Bank's records indicate that Account Owner 1 was Marianne Schlesinger, who resided in Vienna, Austria, and that the Power of Attorney Holder was Fritz Schlesinger. The Bank's records also indicate Account Owner 1's street address and the name of Account Owner 1's brother. In addition, the Bank's records indicate the Power of Attorney Holder's professional title, street address, and city and country of residence. Moreover, the Bank's records indicate the name of a second person who held power of attorney over the account. Furthermore, the Bank's records indicate the date of closing of the account at issue. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

## Accounts 5026675 and 5033175

The Bank's records indicate that Account Owner 2 was *Frau* ("Mrs.") Fanny Schlesinger, *Erben* ("the Estate of Fanny Schlesinger"). The Bank's records further indicate that *Frau* ("Mrs.") Fanny Schlesinger had resided in Vienna, Austria. Moreover, the Bank's records indicate that Fritz Schlesinger, [REDACTED] and [REDACTED] were beneficiaries of the Estate of Fanny Schlesinger. The Bank's records also indicate Account Owner 2's street address, as well as her relationship to the three beneficiaries. In addition, the Bank's records indicate Fritz Schlesinger's professional title and occupation, as well as his street address, city and country of residence. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue. Finally, the Bank's records contain the signatures of the three beneficiaries.

### **The CRT's Analysis**

#### Identification of the Power of Attorney Holder/Beneficiary

As for Account 5024419, the CRT concludes that the Claimant has not identified the Power of Attorney Holder. Although the name of her former employer matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that Fritz Schlesinger resided in Germany and later in Brazil. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different city and country. Furthermore, the CRT notes that the Claimant did not identify Account Owner 1, even though she appears to be related to the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's former employer are the same person.

The CRT also 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 cease to exist, and thus do not pass to his or her heirs. Therefore, even if the Claimant had identified the power of attorney holder, but not the account owner, as his relative, 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.

As for Accounts 5026675 and 5033175, the CRT concludes that the Claimant has not identified the beneficiaries of the accounts. Although the name of her former employer matches the published name of the beneficiaries, the information provided by the Claimant differs materially from the unpublished information about that beneficiary available in the Bank's records. Specifically, the Claimant stated that Fritz Schlesinger resided in Germany and later in Brazil. In contrast, the Bank's records show that the beneficiary to the accounts resided in different city and country. In addition, the documents submitted by the Claimant indicate that Fritz Schlesinger was a publisher and bookstore owner. In contrast, the Bank's records show that the beneficiary had a different profession. Furthermore, the CRT notes that the Claimant did not identify Account Owner 2, even though she appears to be related to the beneficiary.

Consequently, the CRT is unable to conclude that the beneficiary and the Claimant's former employer are the same person.

### 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  
10 August 2005