

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Carl Adler

Claim Number: 600925/WM¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the published account of Rudolf Adler or Carl (Karel) Adler.² This Denial is to the published account of Carl Adler (the “Account Owner”), over which Hedwig Neumann (the “Power of Attorney Holder”) held power of attorney, 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 to the Holocaust Claims Processing Office (“HCPO”) in 1997 asserting that her father, Carl Adler, who was born on 27 March 1896 in Austria-Hungary, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was married to [REDACTED], née [REDACTED], and that he had resided in both Chrudim and Prague, Czechoslovakia (now the Czech Republic). The Claimant indicated that during the 1940s, members of her father’s family were deported by the Nazis to concentration camps, where they perished. The Claimant indicated that she was born on 2 July 1941 in New York, the United States.

The Claimant submitted documents in support of her application, including: (1) a copy of a residence record issued by the municipality of Chrudim in 1915, indicating that her father resided in that city; and (2) copies of her father’s birth certificate and passport.

¹ The Claimant submitted a claim, numbered B-00604, on 30 December 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600925.

² The CRT will treat the claim to the account of Rudolf Adler in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Carl Adler. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's or power of attorney holder's names match that provided by the Claimant. The 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 5029264

The Bank's records indicate that the Account Owner was Carl Adler, who resided in Nice, France, and that the Power of Attorney Holder was Hedwig Neumann. The Bank's records also indicate the Account Owner's street address, an earlier address in a second city and second country of residence and the Account Owner's relationship to the Power of Attorney. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

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 Owners

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her father matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father resided in Chrudim and Prague. In contrast, the Bank's records show that the Account Owner resided in a different country and that the Account Owner's earlier residence was also in a different country, to which the Claimant did not establish a link. The CRT also notes that the Claimant failed to identify the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as her 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 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
21 September 2005