

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Ida Adler
and
Account of Rudolph Linz
(Power of Attorney Holder Ida Adler)¹**

Claim Number: 201759/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Ida Adler (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Rudolph Linz (“Account Owner 2”), over which Ida Adler (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).

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 Ida Adler, who was the sister-in-law of his mother, [REDACTED], and who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his aunt resided in Urspringen, Germany. The Claimant further stated that his aunt perished during the Holocaust. The Claimant indicated that he was born on 30 July 1921 in Obbach, Germany.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted Initial Questionnaires to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 201759. In the Claim Form and the Initial Questionnaires, the Claimant claimed accounts belonging to Moses Schloss, Meta Schloss and Isack Brauman. The CRT will treat the claim to these accounts 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 his relative, Ida 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 two accounts whose owner's and power of attorney holder's names match 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 1009101

Bank 1's records indicate that Account Owner 1 was Ida Adler. Bank 1's records also indicate Account Owner 1's city and country of residence.

Account 5030161

Bank 2's records indicate that Account Owner 2 was Rudolph Linz, who resided in Frankfurt am Main, Germany, and that the Power of Attorney Holder was Ida Adler (also known as Ida Linz). Bank 2's records also indicate Power of Attorney Holder's maiden and married names, together with the date of opening of the accounts at issue. Finally, Bank 2's records contain Account Owner 2'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

As for Account 1009101, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his aunt resided in Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5030161, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his aunt 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 Bank 2's records. Specifically, the Claimant stated that his aunt was married to Friedrich Adler. In contrast, Bank 2's records show that the Power of Attorney Holder was married to a different person.

Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's aunt are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as his relative, and 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 no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 2, as his relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 2 were related. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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.

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
23 March 2007