

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Wilhelm Auerbach**<sup>1</sup>

Claim Number: 214435/SB<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Willi Auerbach.<sup>3</sup> This Denial is to the published accounts of Wilhelm Auerbach (the “Account Owner”) 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 his cousin, Willi Auerbach, who was born in approximately between 1870 and 1880, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his cousin, who was Jewish, was a medical doctor who lived and worked in Berlin, Germany. The Claimant further stated that his cousin was deported to a concentration camp in 1939 and was never heard from again. The Claimant indicated that he was born on 12 December 1920 in Berlin.

---

<sup>1</sup> 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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 214435.

<sup>3</sup> The CRT did not locate an account belonging to Willi Auerbach 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”).

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Willi Auerbach. 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 name is substantially similar to 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.

### Accounts 5025227 and 5032081

The Bank's records indicate that the Account Owner was Wilhelm Auerbach, who resided in Frankfurt am Main, Germany, and that the Power of Attorney Holder was Maria Auerbach. The Bank's records also indicate the Account Owner's street address and professional title. The Bank's records further indicate the Power of Attorney Holder's city and country of residence and the date on which the power of attorney was granted. Furthermore, the Bank's records indicate the date of opening of the accounts at issue. 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his cousin is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his cousin was a medical doctor, whereas the Bank's records indicate that the Account Owner had a different profession. The Claimant further stated that his cousin lived and worked in Berlin, Germany. In contrast, the Bank's records show that the Account Owner resided in Frankfurt am Main, which is over 400 kilometers from Berlin. The CRT also notes that the Claimant did not identify the Power of Attorney Holder, even though she appears to be related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin are the same person. Moreover, it should be noted that the CRT has awarded the accounts 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](http://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 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  
30 November 2005