

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Rolande d'Honneur

in re Account of Elvirar Benveniste

Claim Number: 207826/MW

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the "Claimant") to the accounts of Sarah Abravanel; Regina (Elvirar) Abravanel, née Benveniste; Rolande d'Honneur, née Abravanel; Lazar Abravanel; Eduard Abravanel; and Jacques Abravanel. The CRT did not locate an account belonging to Sarah Abravanel; Regina Abravanel, née Benveniste; Rolande d'Honneur, née Abravanel; Lazar Abravanel; Eduard Abravanel; or Jacques Abravanel 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 Elvirar Benveniste (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 her mother, Regine Abravanel, née Benveniste, who was born in 1886, and married to [REDACTED], owned a Swiss bank account. The Claimant indicated that her mother gave jewelry and money to the Claimant's two brothers to deposit in a Swiss bank account in 1943. The Claimant stated that her mother, who was Jewish, died in 1945 in Paris, France. In correspondence with the CRT, dated 21 December 2004, the Claimant indicated that her mother's middle name was Elvire. The Claimant indicated that she was born on 18 July 1924 in Thessaloniki, Greece.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Sara Abravanel, and identifying her mother as Regine Abravanel, née Benveniste.

The Claimant submitted documents in support of her application, including: (1) three different copies of a French repatriation card from 1942, submitted from 1998 to 2004, the first copy

indicating in typed letters that the Claimant's mother was Benveniste Abravanel, the second copy indicating in typed letters that the Claimant's mother was Regine Benveniste Abravanel, and including a handwritten notation of the name Elvire, and the third copy indicating in typed letters that her mother was Regine Benveniste Abravanel; and (2) a Yad Vashem testimony stating that Regina Abravanel, née Benveniste, was born in 1886 in Thessaloniki, Greece.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Regine (Elvire) Abravanel, née Benveniste. 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 name match is substantially similar to 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 4020921

The Bank's records indicate that the Account Owner was *Mme* (Mrs.) Elvirar (also spelled Elvire) Benveniste, who resided in Greece.

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 her relative. Although the name claimed by the Claimant is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant submitted documents indicating that her mother was Regina Abravanel, née Benveniste. In contrast, the Bank's records show that the Account Owner's name was Elvirar (also spelled Elvire) Benveniste. The CRT also notes that in the Initial Questionnaire, the ATAG Ernst & Young claim form, and in her Claim Form, the Claimant did not indicate that her mother's middle name was Elvire. Finally, the Claimant provided three different copies of a French repatriation card from 1942. Each copy shows a different name for the Claimant's mother, and the only reference to the name "Elvire" is in a handwritten notation on one of them. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's mother are the same person.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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
31 March 2005