

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Max Bergmann

Claim Number: 223837/MG

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Max Bergmann (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 brother-in-law, Max Bergmann, who was born on 10 October 1917 in Riga, Latvia, and was never married, owned a Swiss bank account. The Claimant stated that her relative, who was Jewish, was a student, and that he resided in Riga until 1938. According to the Claimant, her relative had a girlfriend he visited who resided in Reinbek, Germany. The Claimant also stated that she had no information about her relative’s fate. The Claimant indicated that she was born on 28 December 1925 in Riga.

The Claimant submitted documents in support of her application, including a copy of a translation of her relative’s birth certificate, which indicates his date and place of birth.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Max Bergmann. 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 accounts¹ whose owner’s name matches that

¹ 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”), Max Bergmann is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account which was open during the relevant period of 1933-1945.

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 1009358

The Bank's records indicate that the Account Owner was Max Bergmann, who resided in Reinbek, Germany. The Bank's records also indicate the Account Owner's other country of residence, and the name of a company which appears to be closely connected to the Account Owner. Furthermore, the Bank's records indicate the date of opening and closing of the account at issue.

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 of her brother-in-law matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her relative resided until 1938 in Riga, Latvia, and that from 1938 he traveled to Reinbek, Germany, to visit his girlfriend. In contrast, the Bank's records show that the Account Owner had another residence before 1938 in a different country and on a different continent, which were not identified by the Claimant and to which the Claimant did not establish any connection. Moreover, the Claimant failed to identify the name of the company which appears to be closely connected to the Account Owner. The CRT also notes that the account was opened while the Claimant's relative was still a teenager. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's brother-in-law 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
9 March 2005