

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Friedel Bermann  
(Power of Attorney Holder E. Goldschmidt)**

Claim Number: 400582/SB<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published power of attorney holder E. Goldschmidt (the “Power of Attorney Holder”) to the account of Friedel Bermann (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 in 2005 asserting that his cousin, Edmond Goldschmidt, who was born in Vienna, Austria, and married [REDACTED] in Vienna, owned a Swiss bank account. The Claimant stated that his cousin, who was Jewish, was an investor who resided in Vienna until 1939, when he fled Austria to Belgium, ultimately emigrating to the United States. The Claimant further stated that his cousin died in 1976 in New York, New York, the United States. The Claimant indicated that he was born on 7 June 1926 in Vienna.

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

The CRT notes that the Claimant submitted a claim to an account over which their relative, Edmond Goldschmidt held power of attorney. 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 power of attorney holder’s first name initial and last name matches that provided by the

---

<sup>1</sup> The Claimant also submitted an Initial Questionnaire to the Court in 1999. The CRT is treating the Initial Questionnaire under the Claim Number 770193. In the Initial Questionnaire, the Claimant claimed an account belonging to Paul Goldschmidt. The CRT has treated the claim to this account in a separate determination, by means of a letter dated 17 January 2006.

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 5029358

The Bank's records indicate that the Account Owner was Friedel Bermann and that the Power of Attorney Holder was E. Goldschmidt. The Bank's records also indicate the Power of Attorney Holder's full name, gender, street address and city and country of residence. The Bank's records also indicate the Account Owner's city and country of residence. 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 Power of Attorney Holder as his relative. Although the name of his cousin matches the published first name initial and last 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 the Bank's records. Specifically, the Claimant stated that his cousin's full name was Edmond Goldschmidt and was male. In contrast, the Bank's records show that the Power of Attorney Holder had a different first name and was female. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's cousin are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner 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 the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

#### 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, which 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  
9 November 2006