

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Aron Bernstein
and
Accounts of Dimitry Bernstein
and
Account of Dina Bernstein-Chasseleff
(Power of Attorney Holder Dimitry Bernstein)**

Claim Number: 223036/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Aron Bernstein and Dimitry Bernstein. This Denial is to the published accounts of Aron Bernstein (“Account Owner 1”), Dimitry Bernstein (“Account Owner 2”), and Dina Bernstein-Chasseleff (“Account Owner 3”) 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her maternal grandfather, Aron Yuakovich Bernstein, who was born in 1873 in Elisavetgrad, the Ukraine, and was married to [REDACTED], née [REDACTED], in 1894 in Elisavetgrad, owned a Swiss bank account. The Claimant stated that her great-uncle, Dimitry Bernstein, could also have owned a Swiss bank account. According to the Claimant, her grandfather and great-uncle, who were Jewish, were the co-owners of a business involving the export of grain to European countries, including Switzerland. The Claimant stated that her grandfather travelled throughout Europe for business and personal reasons. The Claimant stated that her grandfather lived in Elisavetgrad until 1930, when he moved to Kharkov, the Ukraine. The Claimant further stated that the Nazis killed her grandfather in 1941. The Claimant stated that her mother, [REDACTED], née [REDACTED], who was born on 13 May 1895 in Elisavetgrad, and who died on 2 August 1977 in Kharkov, was the only child of her grandparents. The Claimant indicated that she was born on 8 August 1935 in Kharkov.

The Claimant submitted documents in support of her application, including: (1) her birth certificate; and (2) her mother's birth certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Aron Bernstein and Dimitry Bernstein. 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 five accounts whose owners' or whose power of attorney holders' names match those 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 5024469

The Bank's records indicate that Account Owner 1 was Aron Bernstein, who resided in Berlin, Germany, and that the Power of Attorney Holder was Anny Bernstein-Ettinger. The Bank's records also indicate Account Owner 1's street address, the Power of Attorney Holder's country of residence, and the first and maiden names of Account Owner 1's wife. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

Accounts 5025022, 5029359, 5036009

The Bank's records indicate that Account Owner 2 was Dimitry Bernstein, who resided in Vienna, Austria, and that the Power of Attorney Holder was Dina Bernstein-Chasseleff. The Bank's records also indicate Account Owner 2's street address in a country other than Austria, the street address of the Power of Attorney Holder, the relationship between Account Owner 2 and the Power of Attorney Holder, as well as the title of Account Owner 2. Furthermore, the Bank's records indicate the date of opening of the accounts at issue. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signature.

Account 5023886

The Bank's records indicate that Account Owner 3 was Dina Bernstein-Chasseleff, who resided in Vienna, Austria, and that the Power of Attorney Holder was Account Owner 2. The Bank's records also indicate Account Owner 3's address in another country, the street address of the Power of Attorney Holder, the relationship between Account Owner 3 and the Power of Attorney Holder, as well as the title and area of practice of the Power of Attorney Holder. Furthermore, the Bank's records indicate the date of closing of the account at issue. Finally, the Bank's records contain Account Owner 3's and the Power of Attorney Holder's signature samples.

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 5024469, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her grandfather resided until 1930 in Elisavetgrad, the Ukraine, after which he resided in Kharkov, the Ukraine. The Claimant further stated that her grandfather was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records show that Account Owner 1 resided in Berlin, Germany, and that his wife's name was different from the name of the Claimant's grandmother. Furthermore, the Claimant did not identify the Power of Attorney Holder, despite the fact that she bears the same last name as Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Accounts 5025022, 5029359, 5036009 and 5023886, the CRT concludes that the Claimant has not identified Account Owner 2 (who is also the Power of Attorney Holder to account 5023886) as her relative. Although the name of her great-uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her great-uncle resided until 1930 in Elisavetgrad, the Ukraine, after which he resided in Kharkov, the Ukraine. The Claimant also stated that her great-uncle was a co-owner of a business that was involved in the export of grain. In contrast, the Bank's records show that Account Owner 2 resided in Vienna, Austria, and in another city and country, to all of which the Claimant has failed to establish a connection. The Bank's records also indicate that Account Owner 2 had a different professional title than that of the Claimant's relative. Furthermore, the Claimant did not identify Account Owner 3 despite the fact that she bears the same family name as Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-uncle 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 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
30 September 2004