

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Alfred Levy & Cie

Claim Number: 600187/KG¹

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Paul Weil.² This Denial is to the unpublished account of *Alfred Levy & Cie* (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).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 to the Holocaust Claims Processing Office (“HCPO”) identifying one of the Power of Attorney Holders over this account as her father, Paul Weil (“Power of Attorney Holder Paul Weil”) who was born on 24 February 1900 in Heidelberg, Germany, and was married to [REDACTED], née [REDACTED], in 1924, with whom he had one child, the Claimant. The Claimant indicated that her father, who was Jewish, lived in Luxembourg, Luxembourg until May 1940, where he worked as a financial officer and “*Prokurist*” (a company officer with statutory authority) at a Bank by the name of *Banque (Bank) Levy*.

The Claimant described her father as an experienced banker who, through the use of secret connections at the bank where he worked, was able to protect and hide some of his assets during the Second World War. The Claimant stated further that her father maintained a private bank account in Switzerland from which he was able to support his family when he later fled Luxembourg in the wake of the German invasion. The Claimant also stated that she recalls her father later saying that he had accounts at the Bank, the proceeds of which he had not been able to recover.

¹ The Claimant submitted a claim, numbered B-02142, on 29 December 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600187.

² The CRT will treat the claim to this account in a separate decision.

According to the Claimant, on 10 May 1940, the date of the German invasion of Luxembourg, her father fled first to Paris and then to Marseille, France, before traveling to Portugal, from where he immigrated to Brazil, where he settled in Rio de Janeiro. The Claimant indicated that her father passed away in Lisbon, Portugal at the end of 1978 or the beginning of 1979.

In support of her claim, the Claimant submitted a certificate issued by the German Reich in Preussen, Germany, dated 19 December 1933, revoking the German citizenship (“*Entlassungsurkunde*”) of the “Prokurist” Paul Weil of Luxembourg, his wife and their daughter, [REDACTED]; the Claimant’s birth certificate, indicating that her father was Paul Weil, a bank officer; and the Claimant’s vaccination certificate, dated 25 May 1936, indicating that her father was Paul Weil. In addition, on behalf of the Claimant, the HCPO submitted documents from the City Archive of Saarbrücken. These documents include the Claimant’s father’s birth certificate, indicating that his name was Paul Weil.

The Claimant indicated that she was born on 27 September 1925 in Saarbrücken, Germany.

Information Available in the Bank’s Records

The Bank’s records consist of an entry from an account summary sheet dated 1921; a letter from *Alfred Levy & Cie* to the Bank, dated January 1934; a letter from the Bank to Alfred Levy, dated 4 June 1940; a letter to the Bank from *Alfred Levy & Cie*, dated 6 April 1940; a letter from Alfred Levy to the Bank, dated 4 June 1940; two letters on *Alfred Levy & Cie* letterhead, dated 24 August 1938, entitled “custody account *Alfred Levy & Cie*, (“Erman dossier”); a letter, dated 16 February 1940, from *H. Hertz & Co.* to the Bank; a letter, dated 20 May 1940, to *Messieurs A. Spitzer & Cie*; and an extract from the Bank’s file.

According to these records, the Account Owner was *Alfred Levy & Cie*, a company located in Luxembourg, and the Power of Attorney Holder and authorized signatories at various times were: Alfred Levy, Paul Weil, Leon Levy, Leopold Devos, Jean Merkels, Henri Haschar, Eugene Rouff, Heinz Ermann, Mrs. Daniel Ermann, Heinz Ermann and Leopold Levy. The Bank’s records indicate that the Account Owner held a custody account. The letter, dated 28 May 1940, from Power of Attorney Holder Alfred Levy to the Bank, indicates certain changes to the powers of the Power of Attorney Holders in the light of the Nazi occupation of Luxembourg. The letter states that those Power of Attorney Holders living in Luxembourg could only act if they had the signature of Paul Weil or Alfred Levy. The document refers to Paul Weil’s address but this was apparently redacted from the document.

The Bank’s records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s records that the Account

Owner, the Power of Attorney Holders or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner and Power of Attorney Holder Paul Weil

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder, Paul Weil. The name and location of the Bank at which the Claimant's father worked substantially matches the unpublished name and location of the Account Owner. The Claimant also identified Power of Attorney Holder Paul Weil, as an employee of the Account Owner, which corresponds with unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the Claimant identified the Bank at which her father worked as *Banque Levy* whereas the name of the Account Owner is *Alfred Levy & Cie*. However, given that the Claimant has identified unpublished information about the Account Owner, including its location, as well as about one of the Power of Attorney Holders, the CRT determines that this discrepancy is so minor as to not affect the Claimant's identification of the Account Owner.

In support of her claim, the Claimant or the HCPO submitted documents, including Paul Weil's birth certificate; a revocation of German citizenship certificate relating to a Paul Weil of Luxembourg; the Claimant's birth certificate and her vaccination certificate, both indicating that her father was Paul Weil, providing independent verification that the person who is claimed to be the Power of Attorney Holder had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of Power of Attorney Holder Paul Weil.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the relevant Power of Attorney Holder or provided a date of birth which was after opening date of the account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that at least one of the Power of Attorney Holders of the Account Owner was a Victim of Nazi Persecution. The Claimant stated that Power of Attorney Holder Paul Weil was Jewish and that he fled Luxembourg to escape Nazi persecution.

The Claimant's Relationship to Power of Attorney Holder Paul Weil and the Account Owner

The Claimant has plausibly demonstrated that she is related to Power of Attorney Holder Paul Weil by submitting specific information and documents, demonstrating that Power of Attorney Holder Paul Weil was her father. These documents include a revocation of German citizenship certificate, indicating that Renate Weil was Paul Weil's daughter; and the Claimant's birth and vaccination certificates, indicating that her father was Paul Weil. There is no information to indicate that the Power of Attorney Holder Paul Weil has other surviving heirs.

The CRT notes that the Claimant has provided no information that would indicate that Power of Attorney Holder Paul Weil was the owner of or otherwise held a beneficial interest in the Account Owner.

Entitlement to the Account

The CRT notes that the Claimant's father was not the Account Owner but rather held Power of Attorney over the account. Furthermore, the Claimant described her father as an employee of the Account Owner and, as stated above, there is no evidence to suggest that the Claimant's father held a beneficial interest in the Account Owner or that he was related to the Power of Attorney Holder Alfred Levy, after whom the Account Owner appears to have been named, and who may therefore have been the Account Owner's owner. The CRT further notes 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. This means that, where a claimant has identified the Power of Attorney Holder, but not the Account Owner, as his or her relative, the Claimant is not be entitled to the account unless there is evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related or that, where the Account Owner is a company, as is the case here, the Power of Attorney Holder owned or otherwise held a beneficial interest in the Account Owner. In this case, no such evidence exists. Accordingly, the CRT determines that the Claimant is not entitled to the claimed account.

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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
21 September 2005