

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Otto Levy
(Power of Attorney Holder Leo Levy)¹**

Claim Number: 214635/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Leib (Leo, Lev) Gershevich Levi (Levinskiy, Levin). The CRT did not locate an account belonging to Leib (Leo or Lev) Gershevich Levi (Levinskiy or Levin) 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 Otto Levy (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 his father, Leib (Leo, Lev) Gershevich Levi (Levinskiy, Levin), who was born in 1876 in Minsk, Belarus, to [REDACTED] and [REDACTED], and was married to [REDACTED] in 1900 in Minsk, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was a pharmacist, and that from 1934 until 1939 he resided at King Stephen Bathory Street in Hrodna, Poland, where he owned a pharmacy. The Claimant also stated that his father was a drugstore inspector for the Hrodna area. The Claimant further stated that after the Russian occupation, his father moved to his relatives in Minsk. The Claimant stated that in 1941, after the Nazi invasion of Minsk, the

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 214635.

family escaped to the forests. According to the Claimant, his father survived the Holocaust and died in 1952 in Leningrad, the Soviet Union. The Claimant indicated that he was born on 23 August 1919 in Minsk.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Leib Gershevich Levinskiy.

The Claimant submitted documents in support of his application, including: (1) his American certificate of naturalization; (2) his marriage certificate; and (3) his birth certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Leib (Leo, Lev) Gershevich Levi (Levinskiy, Levin). The auditors who carried out the ICEP Investigation reported one account whose power of attorney holder's name is substantially similar to that provided by the Claimant.

Account 5023855

The Bank's records indicate that the Account Owner was Otto Levy, who resided in Kaiserslautern, Germany and that the Power of Attorney Holders were Helene Levy and Leo Levy. The Bank's records also indicate the Account Owner's street address, his relationship to the Power of Attorney Holders and Power of Attorney Holder Leo Levy's title and father's name. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. The auditors who carried out the ICEP Investigation indicated the city and country of residence of the Power of Attorney Holders. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holders' 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified Power of Attorney Holder Leo Levy as his relative. Although the name of his father is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the published and unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his father was born to [REDACTED] and [REDACTED] and that he resided in Poland and Belarus. In contrast, the Bank's records show that the Power of Attorney Holder's father has a different name. The auditors who carried out the ICEP Investigation indicated the Power of Attorney Holders also lived in a different country.

In addition, the CRT notes that the Claimant did not identify the Account Owner and Power of Attorney Helene Levy, although they shared the same last name as Power of Attorney Holder Leo Levy. Consequently, the CRT is unable to conclude that Power of Attorney Holder Leo Levy and the Claimant's father are the same person.

The CRT also 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. 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 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 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
19 November 2004