

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Philipp Levy

**in re Account of Samuel Levy
and
Accounts of S. Levy**

Claim Number: 213068/SB¹

This Certified Denial is based on the claim of Philipp Levy (the “Claimant”) to the account of Zamuel (Samuel) Levy.² This Denial is to the published account of Samuel Levy (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published accounts of S. Levy (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, Samuel Levy, who was born on 1 May 1877 in Riga, Latvia, and was married to Jete Hochberg, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was a salesman who resided in Riga until 1938. The Claimant did not indicate his father’s fate, but did indicate that members of his family resided in Riga during the Second World War. The Claimant indicated that he was born on 3 June 1924 in Riga.

The Claimant submitted documents in support of his claim, including his birth certificate, which indicates that when he was born, his family resided in Riga.

¹ The Claimant submitted two additional claims, which are registered under the Claim Numbers 215142 and 216775. The CRT will treat these claims in separate determinations

² The CRT did not locate an account belonging to Zamuel Levy 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”).

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Samuel Levy. 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 three accounts whose owners' names match that 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 5034250

Bank 1's records indicate that Account Owner 1 was Samuel Levy, who resided in Strasbourg, France. Bank 1's records also contain Account Owner 1's signature and the date on which he provided his signature.

Accounts 1011244 and 1011245

Bank 2's records indicate that Account Owner 2 was S. Levy, who resided in Germany. Bank 2's records also indicate Account Owner 2's profession and city of residence in Germany. Furthermore, Bank 2's records indicate the dates of opening of one of the accounts at issue, and the dates of closing of both of the accounts 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 Owners

As for Account 5034250, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his father resided in Riga, Latvia until 1938. In contrast, Bank 1's records show that prior to 1938 Account Owner 1 resided in Strasbourg, France. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1011244 and 1011245, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published first name initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his father resided in Riga, Latvia until 1938. In contrast, Bank 2's records show that prior to 1938 Account Owner 2 resided in a city in Germany.

Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
27 February 2007