

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of G. Lewin
(Power of Attorney Holder R. Lewin)¹**

Claim Numbers: 789687/AE; 601569/AE^{2, 3, 4}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Rosalie Lewin. This Denial is to the published account of G. Lewin (the “Account Owner”), over which R. Lewin (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).^{5, 6}

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.

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 the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted a claim, numbered B-02304, on 8 January 2001, 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 601569.

³ In 1999, the Claimant also submitted an Initial Questionnaire, numbered ENG-0824-025, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 789687.

⁴ According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

⁵ The CRT did not locate an account belonging to Rosalie Lewin 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”).

⁶ In these claims, the Claimant also claimed the accounts of Benjamin (Benno) Akiva Laskowicz and Caerry Laskowicz. The CRT will treat the claims to these accounts in separate determinations.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire to the Court in 1999 and a claim to the Holocaust Claims Processing Office (“HCPO”), asserting that her paternal grandmother’s relative, Rosalie Lewin, owned a Swiss bank account. The Claimant indicated that Rosalie Lewin was related to her paternal grandparents, [REDACTED] and [REDACTED], née [REDACTED], who resided in Bad Saarow and Berlin, Germany. The Claimant indicated that Rosalie Lewin also resided in Bad Saarow and Berlin, but provided no other information regarding her relative and was not able to indicate how Rosalie Lewin was related to her grandparents. The Claimant further indicated that her grandparents were temporarily detained at Sachsenhausen in 1938, and that they were subsequently deported to Minsk, Belarus, where they were killed by the Nazis. The Claimant stated that she was born on 23 December 1950 in Brooklyn, New York, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her paternal grandmother’s relative, Rosalie Lewin. 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 name matches that provided by the 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 5030454

The Bank’s records indicate that the Account Owner was G. Lewin, who resided in Dresden, Germany, and that the Power of Attorney Holder was R. Lewin. The Bank’s records further indicate the Power of Attorney Holder’s city and country of residence, and the Account Owner’s street address. In addition, the Bank’s records indicate the date of opening of the account at issue.

The CRT’s Analysis

Admissibility of the Claim

The CRT has determined that, for purposes of issuing this Certified Denial, the claims are 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 her relative. Although the name of her paternal grandmother’s relative matches the published 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 indicated that her relative resided in Bad Saarow and Berlin, Germany. In contrast, the Bank's records show that the Power of Attorney Holder resided in Dresden, which is located over 150 kilometers from both Bad Saarow and Berlin, and to which the Claimant established no connection. The CRT notes that Dresden and Berlin are both major cities of similar size, which makes it unlikely that a person who resided in Berlin would use an address in Dresden, even for the purposes of maintaining a bank account. Moreover, Bad Saarow is closer to Berlin than Dresden, and it is more likely that a person who resided in Bad Saarow would provide an address in Berlin than one in Dresden for the purposes of maintaining a bank account. In addition, the CRT notes that the Claimant did not identify the Account Owner, even though the Account Owner appears to be related to the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's relative are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as her 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 her 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 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 claims 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
21 September 2005