

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Ernst Loew  
and  
Account of Adolf Bader**

Claim Number: 600804/AV<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Ernest (Ernesto) Löw (Loew, Lovero) and Adolfo Bader. This Denial is to the published account of Ernst Loew (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the unpublished account of Adolf Bader (“Account Owner 2”) at the [REDACTED] (“Bank 2”).<sup>2,3,4</sup>

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”) asserting that her father, Ernest (Ernesto) Löw (Loew, Lovero), who was born on 25 September 1903 in Zagreb, Croatia, and was married to [REDACTED], née [REDACTED] on 24 December 1933, owned a Swiss bank account. According to the Claimant, her father, who was Jewish, owned a tailor shop in Zagreb. The Claimant stated that her father resided in Zagreb until 1942, and that he subsequently resided in Spalato, Croatia until 1943, when he fled to Italy, where he remained until the end of the Second World War. The Claimant further stated that her father died on 31 October 1981 in New York, New York, the United States.

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<sup>1</sup> The Claimant submitted a claim, numbered B-00717, on 26 February 1998, 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 600804.

<sup>2</sup> The Claimant submitted Initial Questionnaires with the Court in 1999 and an HCPO Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 600804.

<sup>3</sup> The CRT did not locate an account belonging to Ernest (Ernesto) Löw (Low, Lovero) or Adolfo Bader, 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”).

<sup>4</sup> In this claim, the Claimant also claimed the accounts of Rose (or Ruza or Rózsi) Löw (or Low or Lovero), née Balaton, and Jane Edna Tujak, née Low. The CRT will treat the claim to these accounts in a separate determination.

Furthermore, the Claimant asserted that her mother's cousin, Adolfo Bader, who resided in Lugano, Switzerland, owned a Swiss bank account or was a power of attorney holder to a Swiss bank account owned by her father. The Claimant indicated that she was born on 22 August 1941 in Zagreb.

The Claimant previously submitted an Initial Questionnaires with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Adolfo Bader.

The Claimant submitted documents in support of her application, including: (1) her birth certificate, identifying her father as Ernest Löw and indicating that he resided in Zagreb; and (2) an affidavit of identity signed by her father in Italy, identifying him as Ernest Low, and indicating that he was born in Zagreb and that he resided in Italy.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Ernest Löw (Loew) and Adolfo Bader. 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 two accounts whose owners' 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 5031005

Bank 1's records indicate that Account Owner 1 was Ernst Loew, who resided in Vienna, Austria. Bank 1's records also indicate Account Owner 1's street address, title, and profession. Furthermore, the Bank's records indicate the year of opening of the account at issue. Finally, the Bank's records contain Account Owner 1's signature.

#### Account 1000554

Bank 2's records indicate that Account Owner 2 was Adolf Bader. Bank 2's records also indicate Account Owner 2's city and country of residence, and profession. Furthermore, the Bank's records indicate the dates of opening and closing of the account 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 5031005, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father 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 Bank 1's records. Specifically, the Claimant stated that her father resided in Croatia (Yugoslavia from 1918 until 1941) until 1943, when he fled to Italy. In contrast, Bank 1's records show that Account Owner 1 resided in Austria. Moreover, the Claimant stated that her father owned a tailor shop. In contrast, Bank 1's records show that Account Owner 1 had a different profession, as well as a title that the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 1000554, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her cousin matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her cousin resided in Switzerland. In contrast, Bank 2's records show that Account Owner 2 resided in a different country, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's cousin 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 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, which 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  
21 September 2005