

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Bertha Loewenstein

Claim Number: 205785/AH^{1,2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant) to the published accounts of Bertha Loewenstein and the unpublished account of [REDACTED]. The CRT did not locate an account belonging to the Claimant s relative, [REDACTED], 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 accounts of Bertha Loewenstein (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 her paternal great-aunt, Bertha (Berthel) Loewenstein (Lewenstein), who was born in the 1890s, and was never married, owned a Swiss bank account. The Claimant indicated that Bertha Loewenstein, who was Jewish, resided in some part of Germany and had no children. The Claimant further indicated that the beneficial owner of Bertha Loewenstein’s accounts was the Claimant’s paternal grandfather, [REDACTED]. The Claimant indicated that her grandfather deposited money in Switzerland, and when he could no longer go there due to Nazi travel restrictions, he sent Bertha Loewenstein, the sister of his second wife, to make deposits on his behalf. The Claimant could not recall the name of her grandfather’s second wife, Bertha Loewenstein’s sister. The Claimant indicated that at her third trip, Bertha Loewenstein decided to remain in Switzerland. The Claimant indicated that her grandfather perished in a concentration camp in 1942, and that she has no information as

¹ The Claimant submitted three Claim Forms, which were registered under the Claim Numbers 205785, 217925 and 211506. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 205785.

² The Claimant submitted two Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 205785.

to Bertha Loewenstein's fate. The Claimant indicated that she was born on 23 May 1946, in Haifa, Israel.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] and Berthel Lewenstein, who, according to the Claimant, deposited money on [REDACTED] s behalf.

The Claimant submitted documents in support of her application, including the death certificate of [REDACTED]'s first wife, [REDACTED], née [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Bertha (Berthel) Loewenstein (Lewenstein). The auditors who carried out the ICEP Investigation reported three accounts whose owner's name matches 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.

Accounts 1012144, 1012145 and 1012146

The Bank's records indicate that the Account Owner was Bertha Loewenstein, who resided in Germany. The Bank's records also indicate the name and title of a person who jointly held the account at issue, and who appears to be closely related to the Account Owner. In addition, the Bank's records also indicate the Account Owners' city of residence, and their additional country of residence. Furthermore, the Bank's records indicate the dates of opening and closing 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her great-aunt matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant failed to identify the name or title of the joint account owner of the accounts at issue, although he appears to be closely related to the Account Owner. The Claimant also failed to identify the Account Owners' city of residence in Germany or their additional country of residence. In addition, the CRT notes that the Claimant indicated that the accounts were opened on her grandfather's behalf, however the Bank's records contain no indication of a beneficial account owner of the accounts at issue.

Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 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 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
18 August 2004