

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Michael Loewenstein
also acting on behalf of David Loewenstein, Mark Loewenstein, Ruth Loewenstein,
Miriam Zimmerman and Paul Loewenstein

in re Accounts of Bertha Loewenstein

Claim Number: 209542/SB¹

This Certified Denial is based on the claim of Michael Loewenstein (the “Claimant”) to the accounts of Bertha Loewenstein (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 paternal grandmother, Bertha Loewenstein, who was born on 11 October 1877 in Germany and was married to David Loewenstein, on 21 January 1907, owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, resided in Buer, Germany, and that her father, Kurt Loewenstein, who held a legal position, resided in Berlin. The Claimant further stated that his grandmother fled Germany in 1939 for the United States, where she died in February 1952 in Terre Haute, Indiana. The Claimant indicated that he was born on 12 January 1943 in Chicago, Illinois, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Bertha Loewenstein. 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 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.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 216888. The CRT will treat this claim in a separate determination.

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 Account Owner's city of residence in Germany and a city of residence in another country. Furthermore, the Bank's records indicate that the Account Owner held the account at issue with another person whose name is only partially legible and who had the same residences as the Account Owner. Finally, the Bank's records indicate the date of opening of one of the accounts at issue and the dates of closing of all 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relatives. Although the name of his grandmother 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 stated that his grandmother resided in Buer, Germany, until 1939. In contrast, the Bank's records show that the Account Owner resided in a different city in Germany, which is over 300 kilometers from Buer and over 550 kilometers from Berlin, and in a different country, which the Claimant did not identify. The CRT notes that the Account Owner's city of residence is a major urban center and that Buer is on the outskirts of another German city, Gelsenkirchen, making it unlikely that a person who resided in Buer would use the Account Owner's city of residence as her own, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandmother 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 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
18 April 2006