

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Hermann Rosenberg
and
Account of Gertrud Rosenberg
(Power of Attorney Holder Hermann Rosenberg)¹**

Claim Number: 782968/JW²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Hermann Rosenberg (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and the published account of Gertrude Rosenberg (“Account Owner 2”), over which Hermann Rosenberg (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).

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 an Initial Questionnaire in 1999 asserting that her father, Herman Rosenberg, who was born on 16 January 1892, owned a Swiss bank account. The Claimant indicated that her father, who was Jewish, resided in Nagyvarad, Hungary, where he owned an umbrella factory. The Claimant further indicated that her father was deported to Auschwitz, where he perished in 1944. The Claimant indicated that she was born on 23 June 1920 in Nagyvarad.

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 Elisabeth Rosenberg did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire, numbered ENG-0510-050, 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 782968.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Herman Rosenberg. 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 owner's name and one account whose power of attorney holder's name 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 1011584

Bank 1's records indicate that Account Owner 1 was Hermann Rosenberg, who resided in Germany. Bank 1's records also indicate the Account Owner's city of residence and the name of a joint account owner. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

Account 5026699

Bank 2's records indicate that Account Owner 2 was Gertrud Rosenberg, who resided in Berlin, Germany, that the Power of Attorney Holder was Herman Rosenberg, and that Ilse Rosenberg also held power of attorney over the account. Bank 2's records also indicate Account Owner 2's street address and marital status. The report of the auditors who carried out the ICEP Investigation indicates the Power of Attorney Holder's city and country of residence. Furthermore, the Bank's records indicate the years of opening and closing of the account at issue. Finally, the Bank's records contain the Account Owner's signature.

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 1011584, 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 Nagyvarad, Hungary. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5026699, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her father 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 Bank 2's records. Specifically, the Claimant stated that her father resided in Hungary. In contrast, Bank 2's records shows that the Power of Attorney Holder resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify Account Owner 2 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 Account Owner 2, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder and Account Owner 2 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. 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
9 November 2006