

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Dalia Blumenthal

in re Accounts of Karoline Rosenfeld and Account of Karl Heller

Claim Number: 601353/SJ^{1, 2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED] (the “Claimant”), to the accounts of Isidor Heller, Hugo Heller, *Heller Textilgesellschaft*, Karoline Heller and Karl Heller.³ This Denial is to the unpublished account of Karoline Rosenfeld (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Karoline Rosenfeld (“Account Owner 2”) at the [REDACTED] (“Bank 2”),⁴ and to the published account of Karl Heller (“Account Owner 3”) at Bank 1.

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 The Claimant submitted a claim, numbered B-01159, on 28 August 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 601353. The Claimant also submitted an Initial Questionnaire (“IQ”) with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 601353. In the IQ, the Claimant claimed an account belonging to Karl Heller, which is treated in this decision.

² 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.

³ The CRT will treat the claims to Isidor Heller and *Heller Textilgesellschaft* in separate determinations. The CRT notes that the Claimant was previously awarded the account of Hugo and Else Heller. See *In re Accounts of Hugo and Else Heller* (approved on 19 November 2003).

⁴ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be or possibly those of Victims of Nazi Persecution (the “ICEP List”), Karoline Rosenfeld is indicated as holding power of attorney over accounts belonging to Bernhard Fürst. Upon careful review, the CRT has concluded that Bank 2’s records evidence the existence of one account owned by Karoline Rosenfeld and none to which she is a power of attorney holder.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her mother-in-law, Karoline Heller, née Rosenfeld, who was born on 11 August 1888 in Hoffenheim, Baden, Germany, and was married to [REDACTED] on 17 July 1910, owned a Swiss bank account. The Claimant also submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting that her brother-in-law, Karl Heller, who was born on 23 June 1911 in Pfarrkirchen, Germany, owned a Swiss bank account. The Claimant indicated that her late husband, [REDACTED], and his brother Karl were twins, who were born to [REDACTED] and Karoline Heller, and that [REDACTED] and his family were Jewish. The Claimant further indicated that her father-in-law owned a company called *Heller Textilgesellschaft* on Schwarzebäregasse in Regensburg, Germany, where he and his family also resided. The Claimant also indicated that her father-in-law’s brother, [REDACTED], lived in Lucerne, Switzerland from 1935 until 1948. Finally, the Claimant indicated that her father-in-law and her brother-in-law both perished in concentration camps during the Second World War. The Claimant indicated that she was born on 16 August 1920 in Vienna, Austria.

The Claimant submitted documents in support of her claim, including: (1) her husband’s birth certificate, indicating that he was the son of [REDACTED] and Karoline (Karolina) Heller, née Rosenfeld; and (2) her marriage certificate, indicating that she was married to [REDACTED].

Information Available in the Banks’ Records

The CRT notes that the Claimant submitted claims to an account belonging to her relatives, Karoline Heller, née Rosenfeld, and Karl Heller. 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 four 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.

Accounts 1010928 and 1010929

Bank 1’s records indicate that Account Owner 1 was Karoline Rosenfeld. Bank 1’s records also indicate Account Owner 1’s city and country of residence and title. Furthermore, Bank 1’s records indicate the dates of closing of the accounts at issue.

Account 5026650

Bank 2’s records indicate that Account Owner 2 was Karoline Rosenfeld. Bank 2’s records also indicate Account Owner 2’s title, city and country of residence, street address, marital status, the name of a person who held power of attorney over the account, the relationship between Account Owner 2 and the power of attorney holder, and the power of attorney holder’s street address, and city and country of residence. Furthermore, Bank 2’s records indicate the date of opening of the account at issue.

Account 1013100

Bank 1's records indicate that Account Owner 3 was Karl Heller, who resided in Germany. Bank 1's records also indicate Account Owner 3's city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Accounts 1010928 and 1010929, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the maiden name of her mother-in-law matches the unpublished name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 in Bank 1's records. Specifically, the Claimant stated that her mother-in-law lived in Regensburg, Germany. In contrast, Bank 1's records show that Account Owner 1 lived in a different country. Further, the Claimant stated that her mother-in-law's maiden name was Rosenfeld and that her married name was Heller. In contrast, Bank 1's records show that Rosenfeld was likely Account Owner 1's married name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother-in-law are the same person.

As for Account 5026650, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the maiden name of her mother-in-law matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 in Bank 2's records. Specifically, the Claimant stated that her mother-in-law lived in Regensburg, Germany. In contrast, Bank 2's records show that Account Owner 2 lived in a different country. Furthermore, the Claimant did not identify the power of attorney holder, who was related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother-in-law are the same person.

As for Account 1013100, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her brother-in-law matches the published name of Account Owner 3, the information provided by the Claimant differs from the unpublished information about Account Owner 3 in Bank 1's records. Specifically, the Claimant stated that her brother-in-law lived in Regensburg, Germany. In contrast, Bank 1's records show that Account Owner 3 lived in a different city located approximately 300 kilometers from Regensburg. The CRT notes that Account Owner 3's city of residence lies in a different region in Germany, and is approximately the same size as Regensburg, making it unlikely that a person who lived in Regensburg would use an address in Account Owner 3's city of residence, even for

the purpose of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's brother-in-law are the same person.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as possible account owners to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Karoline Heller's and Karl Heller's surname, which include Hiller.

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, or the alternative surname of the Account Owners identified above, 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
31 October 2005