

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Imbke Behnken

## **in re Account of Bertha Rosenthal**

Claim Numbers: 150050/SB; 150061/SB<sup>1, 2, 3</sup>

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the published account of Bertha Rosenthal (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 Claim Forms asserting that his maternal great-aunt, Bertha Rosenthal, who was born on 11 February 1891 in Frankfurt am Main, Germany, owned a Swiss bank account. The Claimant stated that his great-aunt, who was Jewish, resided in Frankfurt am Main and that Rosenthal was her maiden name. The Claimant further indicated that he does not know the fate of his great-aunt during the Second World War, but stated that his mother perished in Auschwitz. The Claimant indicated that he was born on 20 June 1935 in Wiesbaden, Germany.

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<sup>1</sup> The Claimant submitted an additional Claim Form, which was registered under the Claim Number 500341. The CRT has determined that this claim is a duplicate claim and is treating it under the consolidated Claim Number 150050.

<sup>2</sup> 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.

<sup>3</sup> The Claimant submitted an Initial Questionnaire 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 150050. In the Initial Questionnaire, the Claimant claimed an account belonging to Elsa Stern. The CRT will treat the claim to this account in a separate determination.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Bertha Rosenthal. 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 matches that provided by the Claimant. The 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 5034013

The Bank's records indicate that the Account Owner was Bertha Rosenthal, who resided in Frankfurt am Main, Germany. The Bank's records also indicate the Account Owner's maiden name, Bertha Kass, and her street address in Frankfurt am Main. The Bank's records also indicate the name of a joint account owner, and this person's street address, city and country of residence. Finally, the Bank's records contain the Account Owner's and the joint account owner's signatures.

## **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 relative. Although the name of his great-aunt matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his great-aunt's maiden name was "Rosenthal." In contrast, the Bank's records show that the Account Owner's maiden name was "Kass," and that "Rosenthal" was her married name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's great-aunt 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  
2 June 2006