

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by von Trott zu Solz Lammek, Rechtsanwälte

**in re Account of Julius Rosenthal
and
Account of Ernst Heymann**

Claim Numbers: 401666/SB; 401668/SB¹

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the published accounts of Julius Rosenthal (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and Ernst Heymann (“Account Owner 2”) 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 two Claim Forms in 2005 asserting that her stepfather, Julius Rosenthal, and her husband, Ernst Heymann, who were both Jewish, each owned a Swiss bank account. According to the Claimant the family resided in Germany prior to the outbreak of the Second World War and that her husband fled Germany to the United States in 1934, where he married the Claimant in 1938. The Claimant did not indicate the fate of her stepfather, but did state that her husband died on 10 February 1965.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted claims to accounts belonging to her relatives, Julius Rosenthal and Ernst Heymann. The CRT further notes that on the list of Account Owners Published in 2005 (the “2005 List”) there are two 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.

¹ 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.

Account 5033054

Bank 1's records indicate that Account Owner 1 was Julius Rosenthal. Bank 1's records also indicate Account Owner 1's city and country of residence and occupation.

Account 5026411

Bank 2's records indicate that Account Owner 2 was Ernst Heymann. Bank 2's records also indicate Account Owner 2's three cities and countries of residence. Bank 2's records further indicate the name of a power of attorney holder and this person's cities and countries of residence. Furthermore, Bank 2's records indicate the date of closing of the account at issue and contain Account Owner 2's and the power of attorney holder's signatures.

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 Account 5033054, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her stepfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, According to the Claimant the family resided in Germany. In contrast, Bank 1's records show that Account Owner 1 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's stepfather are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 1 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5026411, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her husband matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her husband resided in Germany until 1934, when he fled to the United States. In contrast, Bank 2's records show that at this time Account Owner 2 resided in another country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's husband 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 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
6 May 2006