

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Hazel Wagner
also acting on behalf of Susan Ross

**in re Accounts of Lotte Sachs
and
Account of Alfred Sachs
(Power of Attorney Holder Lotte Sachs)**

Claim Number: 500614/SB

This Certified Denial is based on the claim of Hazel Wagner, née Freeman, (the “Claimant”) to the accounts of Charlotte (Lotte) Friedman (Friedmann), née Sachs and Alfred Sachs.¹ This Denial is to the published accounts of two individuals named Lotte Sachs² (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”), and the [REDACTED], (“Bank 2”), and to the published account of Alfred Sachs (“Account Owner 3”), over which Lotte Sachs (the “Power of Attorney Holder”) held power of attorney, at Bank 2.³

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 her paternal grandmother, Charlotte Friedman, née Sachs, who was born on 9 January 1886 in Hirschberg, Germany, and married Adolf Friedmann in 1909 in Germany, owned a Swiss bank account. The Claimant stated that her grandmother, who was Jewish, resided in Breslau (today Poland) until 1939 or 1940, when

¹ The CRT did not locate an account belonging to Charlotte Friedman (Friedmann), née Sachs, or Lotte Friedman (Friedmann) in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Lotte Sachs, Germany, is listed twice as having three accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that these are duplicate publications and that there was only one individual named Lotte Sachs of Germany.

³ In this claim, the Claimant also claimed the account of Martin Sachs. The CRT will treat the claim to this account in a separate determination.

she moved to Berlin, Germany. The Claimant further stated that her grandmother went into hiding in Berlin during the Second World War and emigrated to the United States in 1946. The Claimant stated that her grandmother died on 1 February 1985 in Chicago, Illinois. The Claimant asserted that her grandmother's brother, Alfred Sachs, also owned a Swiss bank account. The Claimant indicated that she was born on 30 December 1941 in Chicago.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Lotte Sachs. 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 five accounts whose owners' and power of attorney holder's 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 1011560, 1011561 and 1011562

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

Account 5026839

Bank 2's records indicate that Account Owner 2 was Lotte Sachs, who resided in Heidelberg, Germany. Bank 2's records also indicate Account Owner 2's street addresses in Heidelberg and the name of a joint account owner. Furthermore, Bank 2's records indicate the date of closing of the account at issue. Finally, Bank 2's records contain the signatures of Account Owner 2 and the joint account owner.

Account 5024155

Bank 2's records indicate that Account Owner 3 was Alfred Sachs, who resided in Breslau, Germany and that the Power of Attorney Holder was Lotte Sachs. Bank 2's records also indicate the street addresses in Breslau of Account Owner 3 and the Power of Attorney Holder and their familial relationship. Finally, Bank 2's records contain the signatures of Account Owner 3 and the Power of Attorney Holder.

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 Accounts 1011560, 1011561 and 1011562, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandmother 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, the Claimant stated that her grandmother resided in Breslau, Germany, until 1939 or 1940. In contrast, Bank 1's records show that several years prior to 1939, Account Owner 1 resided in another city, which is over 300 kilometers from Breslau. The CRT notes that the cities of residence of Account Owner 1 and the claimant's relative are both large metropolitan centers, making it unlikely that a person residing in one would use the other as an address, even for the purposes of maintaining a bank account. Furthermore, the CRT notes that the claimant did not identify the joint account owner. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5026839, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandmother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her grandmother resided in Breslau, Germany, until 1939 or 1940 and then in Berlin, Germany. In contrast, Bank 2's records show that Account Owner 2 resided in Heidelberg, Germany, which is over 800 kilometers from Breslau and over 500 kilometers from Berlin. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandmother are the same person.

As for Account 5024155, the CRT concludes that the Claimant has not identified Account Owner 3 or the Power of Attorney Holder as her relatives. Although the name of her great-uncle and grandmother match the published names of Account Owner 3 and the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 and the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant stated that her relatives were siblings. In contrast, Bank 2's records show that Account Owner 3 and the Power of Attorney Holder had a different familial relationship. Consequently, the CRT is unable to conclude that Account Owner 3 and the Power of Attorney Holder and the Claimant's great-uncle and grandmother are the same people.

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
8 August 2006