

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]<sup>1</sup>

**in re Account of M. Hoffmann**

Claim Number: 601611/AX

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Morris Hoffmann.<sup>2</sup> This Denial is to the published account of M. Hoffmann (“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 a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her uncle, Morris Hoffmann, owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, resided in Berlin, Germany. The Claimant did not provide any additional information regarding her uncle, but indicated that she lived in Cologne, Germany before the Second World War, that she fled to Brussels, Belgium in 1939, and that she remained

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<sup>1</sup> [REDACTED] submitted a claim, numbered B-00258, on 3 November 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. In 1999, Mr. [REDACTED] passed away, and the HCPO permitted his wife, [REDACTED], née [REDACTED], to take over his claim. In January 2001, the HCPO forwarded this claim, with [REDACTED] as claimant, to the CRT, where it was assigned Claim Number 601611.

<sup>2</sup> The CRT did not locate an account belonging to Morris Hoffmann 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”). In this claim, the Claimant also claimed accounts of Felix Hoffmann. In a separate decision, the CRT awarded this account to the Claimant. See *In re Account of Felix Hoffmann* (approved on 4 April 2003). The CRT notes that on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution, the names F. Hoffmann and Felix Hoffmann also appear, and that the name Felix Hoffmann also appears on the 2005 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution. Upon careful review, the CRT has determined that these individuals are not the same person addressed in the aforementioned decision and, consequently, the Claimant did not identify these other account owners as her relative. In addition, in this claim, the Claimant also claimed the accounts of Joseph Höflich, Andre Herman, and Paola (Paula) Hoffmann. The CRT will treat the claims to these accounts in separate determinations.

in hiding there until the end of the Second World War. The Claimant indicated that she was born on 30 August 1921 in Cologne.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Morris Hoffmann.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Morris Hoffmann. 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 5035839

The Bank's records indicate that the Account Owner was M. Hoffmann, who resided in Breslau, Germany. The Bank's records also indicate the Account Owner's professional title, street address, and the name of a person who jointly held the account with the Account Owner. Furthermore, the Bank's records contain the Account Owner's signature.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that, for purposes of issuing this Certified Denial, 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 her relative. Although the first initial and family name of her uncle match 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 did not indicate that her uncle used a professional title. In contrast, the Bank's records show that the Account Owner used such a title. In addition, the Claimant indicated that her uncle resided in Berlin, Germany. In contrast, the Bank's records show that the Account Owner resided in Breslau, Germany (today Wroclaw, Poland), which is over 300 kilometers from Berlin and to which the Claimant established no connection. Furthermore, the CRT notes that Berlin is larger than Breslau and that it was a major commercial and financial center, making it unlikely that a person who resided in Berlin would use an address in Breslau, even for the purposes of

maintaining a bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 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 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  
30 September 2005