

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of A. Hofmann
and
Account of Rudolf Hofmann**

Claim Number: 600073/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Anton Hofmann and Rudolf Hofmann. This Denial is to the unpublished account of A. Hofmann (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Rudolf Hofmann (“Account Owner 2”) at the [REDACTED] (“Bank 2”).^{2,3}

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 owners, and the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her maternal relatives, Anton Hofmann and Rudolf Hofmann, who were Jewish, owned Swiss bank accounts. The Claimant stated that her relatives resided in Prague, Czechoslovakia (today the Czech Republic), where they owned a business. The Claimant did not indicate the fate of her relatives, but did state that the Claimant’s immediate family fled Austria for the United Kingdom in September 1938 to escape Nazi persecution. The Claimant stated that she was born on 1 February 1929 in Vienna, Austria.

¹ The Claimant submitted a claim, numbered B-00023, on 18 September 1997, 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 600073.

² The CRT did not locate an account belonging to Anton Hofmann 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”).

³ In this claim, the Claimant also claimed the accounts of Max Glaser, Julius Hofmann and Siegmund Hofmann. The CRT will treat the claims to these accounts in separate determinations.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Anton Hofmann and Rudolf Hofmann. 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 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.

Account 1004610

Bank 1's records indicate that Account Owner 1 was A. Hofmann. Bank 1's records also indicate Account Owner 1's gender.

Account 5023843

Bank 2's records indicate that Account Owner 2 was Rudolf Hofmann, who resided in Stuttgart, Germany. Bank 2's records also indicate Account Owner 2's street address, and the name of two individuals who held power of attorney over the account, and who appear to be related to Account Owner 2. Finally, Bank 2's records contain signature samples of Account Owner 2 and the two individuals who held power of attorney over the account.

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 Owners

As for Account 1004610, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her relative matches the unpublished first name initial and last 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 relative, Anton Hofmann, was male. In contrast, Bank 1's records show that Account Owner 1 was female. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Account 5023843, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her relative 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 relative, Rudolf Hofmann, resided in Prague, Czechoslovakia. In contrast, Bank 2's records show that Account Owner 2 resided in Stuttgart, Germany. In addition, the CRT notes that the Claimant did not identify the two individuals who held power of attorney over the account, even though they appear to be related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 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