

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of A. Berger

Claim Numbers: 214030/MG; 400428/MG^{1,2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the account of Aron Berger. This Denial is to the published account of A. Berger (the “Account Owner”) at the [REDACTED] (the “Bank”).^{3,4}

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 uncle, Aron Berger, who was born in 1905 in Czechoslovakia, and married [REDACTED] in 1937 in Czechoslovakia, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, resided in Czechoslovakia, where he owned a textile business. According to the Claimant, his uncle was deported to Auschwitz, where he perished in 1944. The Claimant indicated that he was born on 17 February 1924 in Czechoslovakia.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Aron Berger. The auditors who carried out the investigation to identify accounts of Victims of Nazi

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.

² The Claimant submitted four Initial Questionnaires to the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the consolidated Claim Number 214030.

³ The CRT did not locate an account belonging to Aron Berger 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.

⁴ In the Initial Questionnaires, the Claimant also claimed the accounts of Emanuel Berger, Samuel Berger and Zelig Berger. The CRT will treat the claim to these accounts in separate determinations.

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 5033254

The Bank’s records indicate that the Account Owner was A. Berger. The Bank’s records also indicate the Account Owner’s gender, street address, city and country of residence.

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 uncle matches the published first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant is claiming his uncle’s account. In contrast, the Bank’s records show that the Account Owner was female. Consequently, the CRT concludes that the Account Owner and the Claimant’s uncle are not the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT’s conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
23 March 2007