

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

Claimed Account Owner: Rudolf Berger¹

Claim Number: 217427/SB

This Certified Denial is to the claim of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by the Claimant’s relative, Rudolf Berger (the “Claimed Account Owner”).

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 did not state in her claim where Rudolf Berger resided, but the CRT notes that what information the Claimant did provide is consistent with Rudolf Berger having resided in Czechoslovakia. The CRT also notes that the Claimant stated that Rudolf Berger, who was Jewish, was married to [REDACTED].

The CRT’s Investigation

The CRT matched the name of Rudolf Berger to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs’ and Heroes’ Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

The CRT's Analysis

Identification of the Account Owner

The list below contains names of account owners and power of attorney holders that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner, or power of attorney holder, are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Rudolf Berger (Austria)

Account Identification Number: 1008501

Specifically, the Claimant indicated that her relative, Rudolf Berger, resided in Czechoslovakia. In contrast, the records show that the account owner resided in Austria. Further, the CRT notes that the Claimant stated that Rudolf Berger was married to [REDACTED], whereas there are records in the Austrian State Archive (Archive of the Republic, Finance)² concerning the account owner, which show that the account owner was married to a different person.

Name: Rudolf Berger

Account Identification Number: 1000473

Specifically, the Claimant indicated that her relative, Rudolf Berger, resided in Czechoslovakia. In contrast, the records show that the account owner resided in a country other than Czechoslovakia.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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.

² By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In these Census records there are documents concerning the assets of a Rudolf Berger which indicate, amongst other information his full name, date of birth and marital status. The CRT is of the view that from the information contained in the 1938 Census records and the account records, that the Rudolf Berger named in the 1938 Census records is the account owner.

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 CRT now considers the Claimant's claim to the accounts of Gisela Berger closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
29 September 2008