

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Gertrud Bodenwieser-Rosenthal  
(Power of Attorney Holder Jakob Friedrich Rosenthal)<sup>1, 2</sup>**

Claim Number: 600596/MBC<sup>3</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Jakub Rozental. This Denial is to the published accounts of Gertrud Bodenwieser-Rosenthal (the “Account Owner”), over which Jakob Friedrich Rosenthal (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).<sup>4</sup>

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 maternal grandfather, Jakub Rozental, who was born in Piotrkow Trybunalski, Poland, and was married to Ita Rozental, née Behm, owned a Swiss bank account. The Claimant stated

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as her relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> 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”), Jakob Rosenthal and Friedrich Rosenthal are published as power of attorney holders over Gertrud Bodenwieser-Rosenthal’s accounts. Upon careful review, the CRT has concluded that the Bank’s records show that the power of attorney holder over Gertrud Bodenwieser-Rosenthal’s accounts was one person, Jakob Friedrich Rosenthal.

<sup>3</sup> The Claimant submitted a claim, numbered B-01361, on 30 September 1998, 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 600596.

<sup>4</sup> The CRT did not locate an account belonging to Jakub Rozental in the Account History Database prepared pursuant to the investigation of ICEP (the “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”).

that her grandfather, who was Jewish, was the owner of a distillery and a bottle factory in Piotrkow Trybunalski. The Claimant stated that Jakub and Ita Rozental perished in Treblinka. The Claimant indicated that she was born on 22 September 1946 in Piotrkow Trybunalski.

The Claimant submitted documents in support of her application, including her own and her mother's birth certificates, indicating that her grandfather was Jakub Rozental from Poland.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Jakub Rozental. 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 three accounts whose power of attorney holder's name matches that provided by the Claimant. The accounts are identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Accounts 5026508, 5026604, 5026808

The Bank's records indicate that the Account Owner was Mrs. (*Frau*) Gertrud Bodenwieser-Rosenthal, who resided in Vienna, Austria and that the Power of Attorney Holder was Jakob Friedrich Rosenthal. The Bank's records also indicate the Power of Attorney Holder's address and his relationship to the Account Owner. The Bank's records include the Power of Attorney Holder's signature. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue.

### **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 Power of Attorney Holder

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandfather is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimant differs from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her grandfather resided in Poland. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different country. Furthermore, the Claimant did not identify the Account Owner, although the Bank's records indicate that the Account Owner was related to the Power of Attorney Holder. In addition, the Claimant did not

identify the Power of Attorney Holder's middle name. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandfather 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  
21 September 2005