

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Yichak Basan

**in re Account of Maria Böhm  
and  
Account of M. Schwarz<sup>1</sup>**

Claim Number: 004387/MG; 004390/MG<sup>2,3</sup>

This Certified Denial is based on the claims of Yichak Basan (formerly Endre Böhm) (the “Claimant”) to accounts of Maria (or Sandorne) Schwarcz (or Lepscsak), née Böhm, and Vilmos Schwarcz. The CRT did not locate an account belonging to Maria (or Sandorne) Schwarcz (or Lepscsak) or to Vilmos Schwarcz 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”). This Denial is to the published account of Maria Böhm (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of M. Schwarz (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his paternal aunt, Maria (or Sandorne)

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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’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. 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 Claimant submitted additional claims to the accounts of Magda (Magdolna) Schwarcz, Sandor Schwarcz, and Anna Böhm, which are registered under the Claim Numbers 004388, 004389 and 004391, respectively. The CRT will treat the claims to the accounts of Magda (Magdolna) Schwarcz and Sandor Schwarcz in separate decisions. The CRT has previously awarded the Claimant the accounts of Anna Böhm. See *In re Accounts of Anna Böhm*, which was approved by the Court on 19 November 2003.

<sup>3</sup> 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.

Schwarcz (or Lepscsak), née Böhm, who was born in 1899 in Papa, Hungary, and was married to Sandor Schwarcz, owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, worked in her husband's father's business and resided in Martonvasar, Hungary until 1944. According to the Claimant his aunt was deported to Auschwitz, where she perished on 22 August 1944. The Claimant indicated that he was born on 14 January 1925 in Mortonvasar.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Magdolna Schwarcz and over which Maria Schwarcz, née Böhm, held power of attorney.

The Claimant submitted documents in support of his application, including his own birth certificate, which indicates that he was born as Endre Böhm.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Maria Schwarcz, née Böhm. The auditors who carried out the ICEP Investigation reported two accounts whose owners' names match or are substantially similar to 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 5029403

Bank 1's records indicate that Account Owner 1 was Maria Böhm, who resided in Munich, Germany, and that the Power of Attorney Holder was Helene Böhm. Bank 1's records also indicate the year in which the account was opened.

#### Account 1013699

Bank 2's records indicate that Account Owner 2 was M. Schwarz, who resided in Bad Säckingen, Germany.

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

#### Admissibility of the Claim

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

#### Identification of the Account Owners

As for Account 5029403, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published

information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his aunt resided in Hungary until 1944, when she was deported to Auschwitz, where she perished. In contrast, Bank 1's records show that Account Owner 1 resided in Munich, Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 1013699, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt is substantially similar to 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 his aunt resided in Hungary until 1944, when she was deported to Auschwitz, where she perished. In contrast, Bank 2's records show that Account Owner 2 resided in Bad Säckingen, Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt 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 his claims 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