

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Willy Borger

Claim Number: 217699/MD¹

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of Willy Borger (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 Form identifying the Account Owner as her maternal uncle by marriage, Willy Borger, who was born on 22 July 1895 in Bielsko, Poland, and was married to the Claimant’s maternal aunt, [REDACTED], née [REDACTED], in 1924. The Claimant stated that Willy and [REDACTED] Borger did not have any children. The Claimant stated further that her uncle was a textile manufacturer and the co-owner of a company named *Landsmann & Kornhaber* located in Bielsko. The Claimant indicated that her uncle probably traveled to Switzerland for business reasons. According to the Claimant, her uncle resided in Bielsko at ul. Krasinskiego 31.

The Claimant stated that her uncle, who was Jewish, fled from Poland to Brazil in 1939, and resided in Sao Paulo until his death on 28 November 1962. The Claimant indicated that [REDACTED] died in approximately 1993 in Sao Paulo. According to the family tree provided by the Claimant, [REDACTED] had one sister, [REDACTED], née [REDACTED]. The Claimant indicated that [REDACTED] had two children: [REDACTED 1], née [REDACTED], and [REDACTED 2], née [REDACTED].

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 215903 and 215904, respectively. On 23 June 2003, the Court approved an award to the Claimant to these accounts. See In re Accounts of [REDACTED] and [REDACTED] (approved on 23 June 2003).

In support of her claim, the Claimant submitted documents, including a German translation of Willy Borger's birth certificate; a copy of Willy Borger's Polish identity card, indicating that Willy Borger resided at Krasinskiego 31 in Bielsko; a translation of a certificate issued by the Association of Exporters of Textiles, indicating that Willy Borger was going on a business trip to Brazil, Argentina, and Uruguay in April 1939; Willy Borger's death certificate indicating that he was married to [REDACTED]; [REDACTED]'s certificate of Polish citizenship indicating that she was a daughter of [REDACTED] and [REDACTED], and that she was born in Bielsko; the Claimant's birth and baptism certificates showing that the Claimant's mother was [REDACTED], née [REDACTED], and that the Claimant's godfather was Willy Borger; and the Claimant's marriage certificate.

The Claimant indicated that she was born on 7 October 1930 in Vienna, Austria. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 1 March 1936 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Willy Borger, who resided in Bielsko, Poland. The Bank's record indicates that the Account Owner held one demand deposit account in Swiss Francs that was closed on 10 February 1939; one custody account numbered L 42810 that was closed on 11 February 1939; and one demand deposit account in Sterling Pounds that was closed on 20 February 1939. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner. The Claimant also identified her uncle's city of residence, which matches unpublished information contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and place of residence.

In support of her claim, the Claimant submitted Willy Borger's identity card showing that he resided in Bielsko, thus providing independent verification that her relative had the same name and resided in the same city as the Account Owner. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he left Poland for Brazil in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle by marriage. These documents include Willy Borger's death certificate showing that he was married to [REDACTED]; [REDACTED]'s certificate of citizenship showing that her maiden name was [REDACTED]; the Claimant's birth and baptism certificates showing that the Claimant's mother was [REDACTED], née [REDACTED], and that Willy Borger was the Claimant's godfather.

The Issue of Who Received the Proceeds

In the present case, the Account Owner held three accounts, all of which were closed in February 1939. Given that the Account Owner fled Poland to Brazil in 1939, which is the year in which the accounts were closed; and that the accounts were closed seven months before the invasion of Poland by Germany, the CRT determines that the Account Owner closed the accounts and received the proceeds himself.

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 directed to the Special Masters at the following address: c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
29 June 2004