

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Account of Feliks Bornstein**

Claim Number: 501357/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Feliks (Felix, Stefan) Bornstein (Bornszejn, Borsten), Dr. Stefan (Stephen) Felix (Feliks) Bornstein (Bornszejn, Borsten) and *Starzycka Manufaktura*. The CRT did not locate an account belonging to Felix (Stefan) Bornstein (Bornszejn, Borsten), Feliks Bornszejn (Borsten), (Dr.) Stefan (Stephen) Felix Bornstein (Bornszejn, Borsten) or *Starzycka Manufaktura* 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 Feliks Bornstein (the “Account Owner”) at 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 asserting that her grandfather, Feliks (Felix, Stefan) Bornstein (Bornszejn, Borsten), who was born on 24 December 1865 in Tomaszow Mazowiecki, Poland, or her father, Dr. Stefan (Stephen) Felix (Feliks) Bornstein (Bornszejn, Borsten), who was born on 21 December 1906 in Tomaszow Mazowiecki, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, was married to [REDACTED]. The Claimant further stated that her grandfather resided in Tomaszow Mazowiecki and Lodz, Poland until 1926, when he moved to Berlin, Germany, where he died on 15 February 1927. In addition, the Claimant stated that her father, who was Jewish, also resided in Tomaszow Mazowiecki and Lodz, Poland. The Claimant added that her father was married to [REDACTED] until 1946, and that he married the Claimant's mother, [REDACTED], in 1949. Moreover, the Claimant stated that her father emigrated to Australia on an unspecified date. The Claimant also indicated that the family owned the business *Starzycka Manufaktura*, which was located in Tomaszow Mazowiecki. The Claimant indicated that she was born on 25 February 1950 in Sydney, Australia.

The Claimant submitted documents in support of her application, including (1) a copy of a document from the historical archives in Tomaszow Mazowiecki, which indicates that Feliks Bornsztejn resided in Tomaszow Mazowiecki, that he moved to Berlin in 1926 and died there on 15 February 1927; (2) a copy of the Claimant's father's second marriage certificate, which indicates that Stephen Felix Borsten's father was Felix Borsztejn, and also contains the Claimant's father's signature; (3) a copy of the Claimant's birth certificate, which indicates that her father's name was Stephen Felix Borsten.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Feliks (Felix, Stefan) Bornstein (Bornsztejn, Borsten) and Dr. Stefan (Stephen) Felix (Feliks) Bornstein (Bornsztejn, Borsten). The auditors who carried out the ICEP Investigation reported one account whose owner's name matches or is substantially similar to those 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 5029407

The Bank's records indicate that the Account Owner was Feliks Bornstein, who resided in Lodz, Poland. The Bank's records further indicate the name of an individual who jointly held the account with the Account Owner, as well as that individual's city and country of residence. Furthermore, the Bank's records indicate the year in which the account at issue was opened.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 8 April 2004, the Bank provided the CRT with an additional document. This document consists of an account contract, which indicates the street address for the Account Owner, the Account Owner's and joint account owner's title, and the date on which the contract was signed. Further, this document contains the Account Owner's and joint account owner's signatures.

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

#### Admissibility of the Claim

The CRT has determined that, for purposes of this Denial, the claim is admissible according to Article 18 of the Rules.

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as one of her relatives. Although the names of her father and grandfather match or are substantially similar to the published name of the Account Owner, the information provided by the Claimant differs

from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her grandfather died in 1927. In contrast, the Bank's records show that the Account Owner was alive several years after this date. Further, the Claimant stated that her father's name was Stefan Felix Bornstein. In contrast, the Bank's records do not indicate that the Account Owner had the first name of Stefan (Stephen). Moreover, the CRT notes that the Claimant's father's marriage certificate contains his signature, and that this signature does not match that of the Account Owner contained in the Bank's records, even though the two signatures date from the same time period. Consequently, the CRT is unable to conclude that the Account Owner and either of the Claimant's relatives are 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 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  
19 March 2007