

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Jozef Bornstein

Claim Numbers: 213365/AV; 600919/AV

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts Mordechai (or Mordchi or Mordechi) Mizes and Joseph Borenstein. The CRT did not locate any accounts belonging to Mordechai (or Mordchi or Mordechi) Mizes 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 Jozef 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 his adoptive father, [REDACTED], who was born in Poland and was married to [REDACTED], owned a Swiss bank account. The Claimant indicated that the account may have been opened in his own name. The Claimant stated that [REDACTED], who was Jewish, owned a diamond business in Lodz, Poland, where he lived with his wife. The Claimant explained that he began working in [REDACTED]’s business at the age of fourteen. The Claimant further stated that [REDACTED] and [REDACTED] adopted him in 1937, but that he kept his name at the insistence of his birth parents, [REDACTED] and [REDACTED], née [REDACTED].

According to the Claimant, at the end of 1939, [REDACTED] and [REDACTED] fled to Switzerland with approximately 500 carats of loose diamonds. The Claimant stated that he remained behind in Poland in the ghetto with his birth parents, and stated that he never saw his adoptive parents again. The Claimant indicated that he was born on 17 September 1920 in Lodz.

In addition to the ATAG Ernst & Young claim form submitted in 1998, and the Initial Questionnaire submitted in 1999, the Claimant previously submitted an HCPO claim form in

1997, asserting his entitlement to a Swiss bank account owned by Mordechai Mizes, and indicating that the account may also be in the name of Joseph Borenstein.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to himself, [REDACTED]. The auditors who carried out the ICEP Investigation reported one account whose owner's name 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 5029406

The Bank's records indicate that the Account Owner was Jozef Bornstein, who resided in Czestochowa, Poland, and that the Power of Attorney Holder was Chaja Bornstein. The Bank's records also indicate the date of opening of the account 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as himself. Although his name is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that he was born in 1920 and met his adoptive father when he began working for him in 1934. The Claimant added that his adoptive father may have opened an account in his name. Moreover, the Claimant stated that his adoptive parents probably deposited diamonds in Switzerland when they fled there in 1939. In contrast, the Bank's records show that the account was opened several years prior to 1934. Furthermore, the Claimant did not identify the Power of Attorney Holder, although she had the same last name as the Account Owner. Finally, the Claimant stated that both he and his adoptive parents lived in Lodz. In contrast, the Bank's records show that the Account Owner resided in Czestochowa, which is distant from Lodz. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant 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 the Special Master, 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. 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 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
31 March 2005