

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Shoshana Suse Hanna Dub

in re Accounts of Erich Brauner, Hugo Brauner, and Else Brauner

Claim Number: 150124/AV

This Certified Denial is based upon the claim of Shoshana Dub, née Brauner, (the “Claimant”) to the account of Erich Brauner. This Denial is to the published account of Erich Brauner (“Account Owner Erich Brauner”), over which Paula Brauner (“Power of Attorney Holder Paula Brauner”) and Kurt Singer (“Power of Attorney Holder Singer”) held power of attorney, and the published accounts of Hugo Brauner (“Account Owner Hugo Brauner”) and Else Brauner (“Account Owner Else Brauner”) (together the “Account Owners”), all at the Zurich branch of the [REDACTED] (the “Bank”).

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 identifying Account Owner Erich Brauner as her paternal uncle, Erich Brauner, who was married to Paula Brauner. The Claimant stated that her uncle, who was Jewish, resided in Moravska Ostrava, Czechoslovakia (today the Czech Republic). The Claimant further stated that her uncle had one son, Heinz Brauner. The Claimant indicated that she could not provide further biographical information about her uncle, but stated that he, his spouse, and his son perished in the Holocaust.

In addition, the Claimant identified Account Owner Hugo Brauner as her father, Dr. Hugo Daniel Brauner, who was born on 6 August 1903 in Ung. Hradisch, Czechoslovakia (today the Czech Republic), and identified Account Owner Else Brauner as her mother, Else Esther Brauner, née Roter. The Claimant indicated that her parents, who were Jewish, resided in Moravska Ostrava.

The Claimant submitted her father’s birth certificate, indicating that Daniel Hugo Brauner was born on 6 August 1903 in Ung. Hradisch, and her birth certificate, identifying her parents as Dr. Danielu Hugo Braunerovi and Elsy Braunerovi, née Roterova, and indicating that they resided in Moravska Ostrava. The Claimant indicated that she was born on 2 May 1937 in Moravska Ostrava.

Information Available in the Bank's Records

Account Owner Erich Brauner

The Bank's record consists of a customer card. According to this record, Account Owner Erich Brauner was Erich Brauner, who resided at Mühlgasse 7a in Moravska Ostrava, Czechoslovakia, Power of Attorney Holder Paula Brauner was *Frau* (Mrs.) Paula Brauner, and Power of Attorney Holder Singer was *Ing.* (Engineer) Kurt Singer, who resided at Eckpergasse 36 in Vienna, Austria, and later resided at Wurzingergasse 9/6 in Vienna. The Bank's record indicates that Account Owner Erich Brauner held a custody account, numbered 38322. The Bank's record further indicates that as of 12 October 1938, correspondence was to be sent to *Frau* Lotte Singer at the *Pension Slano* in Slano b/Dubrovnik, Yugoslavia. The Bank's record indicates that the account was closed on 17 October 1938. The amount in the account on the date of its closure is unknown.

Account Owner Hugo Brauner and Account Owner Else Brauner

The Bank's records consist of a customer card, an account opening contract, and an instruction sheet. According to these records, Account Owner Hugo Brauner was Dr. Hugo Brauner and Account Owner Else Brauner was *Frau* Else Brauner, who resided at Milicgasse 12 in Moravska Ostrava. The Bank's records indicate that Account Owner Hugo Brauner and Account Owner Else Brauner jointly held a custody account and a demand deposit account, numbered 38131. The Bank's records further indicate that correspondence was to be sent to *Ing.* Kurt Singer, who resided at Eckpergasse 36 in Vienna, and that as of 12 October 1938, collected correspondence was to be sent to *Frau* Lotte Singer at the *Pension Slano* in Slano bei Dubrovnik. The Bank's records indicate that the demand deposit account was closed on 15 May 1937 and that the custody account was closed on 11 October 1938. The amounts in the accounts on the dates of their closure are unknown.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's uncle's name and city and country of residence match the published name and city and country of residence of Account Owner Erich Brauner, the Claimant's parents' names match the published names of Account Owner Hugo Brauner and Account Owner Else Brauner, and the Claimant's aunt's name matches the published name of Power of Attorney Holder Paula Brauner. The Claimant identified Account Owner Hugo Brauner's and Account Owner Else Brauner's city and country of residence and Account Owner Hugo Brauner's title, which matches unpublished information about Account Owner Hugo Brauner and Account Else Brauner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her birth certificate, identifying her parents as Dr. Danielu Hugo Braunerovi and Elsy Braunerovi, née Roterova, and indicating that they resided in Moravska Ostrava, providing independent verification that the persons who are claimed to be Account Owner Hugo Brauner and Account Owner Else Brauner

had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of Account Owner Hugo Brauner and Account Owner Else Brauner. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims or Targets of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims or Targets of Nazi Persecution. The Claimant stated that Account Owner Erich Brauner was Jewish, and that he perished in the Holocaust. The Claimant stated that Account Owner Hugo Brauner and Account Owner Else Brauner were Jewish and that they resided in Czechoslovakia before the Second World War.

The Claimant's Relationships to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Hugo Brauner and Account Owner Else Brauner by submitting specific information and documents, demonstrating that Account Owner Hugo Brauner and Account Owner Else Brauner were the Claimant's parents. These documents include the Claimant's birth certificate, indicating that her parents were Dr. Danielu Hugo Braunerovi and Elsy Braunerovi.

Furthermore, the Claimant has plausibly demonstrated that she is related to Account Owner Erich Brauner by submitting specific biographical information, demonstrating that Account Owner Erich Brauner was the Claimant's uncle. The CRT notes that the Claimant submitted a copy of her birth certificate, which provides independent verification that the Claimant's relatives bore the same family name as Account Owner Erich Brauner and that they resided in Moravska Ostrava. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Erich Brauner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Erich Brauner, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that Account Owner Erich Brauner's account was closed on 17 October 1938 and that the demand deposit account and the custody account owned by Account Owner Hugo Brauner and Account Owner Else Brauner were closed on 15 May 1937 and 11 October 1938, respectively. The CRT notes that Moravia, the region of the former Czechoslovakia where Moravska Ostrava is located, was not occupied by Nazi Germany until 15 March 1939. Therefore, the CRT concludes that the Account Owners had access to their accounts until the dates of their closure and that they received the proceeds of the claimed accounts.

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. 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
2 June 2006