

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
represented by [REDACTED]

in re Account of Henrik S. Braunfeld

Claim Number: 300264/HS

This Certified Denial is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Henrik S. Braunfeld (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.

Procedural History

On 28 August 2002, the Court approved an Award to [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) to an account held by the Account Owner at the Bank (“the August 2002 Award”). In the August 2002 Award, the CRT determined that the Account Owner held one demand deposit account at the Bank. The CRT further determined that Claimant [REDACTED 2] plausibly identified the Account Owner as his maternal uncle, that Claimant [REDACTED 3] and Claimant [REDACTED 4] (who are siblings) plausibly identified the Account Owner as their cousin’s husband, that the Account Owner was a Victim of Nazi Persecution, and that it was plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account. The CRT noted that the Bank’s records indicate that the account had a value of 1,098.00 Swiss Francs (“SF”) as of 1 September 1963. This amount was increased by an adjustment of SF 760.00, for a total of SF 1,858.00, to reflect hold mail fees and standardized bank fees charged to the account between 1945 and 1963. According to Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The resulting August 2002 Award amount was SF 25,680.00. Finally, the CRT determined that Claimant [REDACTED 2], as the Account Owner’s nephew, was entitled to the entire award amount, whereas Claimant [REDACTED 3] and Claimant [REDACTED 4], as the Account Owner’s wife’s cousins, were not entitled to share in the award. The August 2002 Award did not address Claimant [REDACTED 1]’s entitlement to that account.

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1], who is the sister of Claimant [REDACTED 3] and Claimant [REDACTED 4], submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as Henry (Henrik) Braunfeld, who was born in Bacau, Romania, and was married to her cousin [REDACTED], with whom he had two children: [REDACTED] and [REDACTED]. Claimant [REDACTED 1] further stated that Henry Braunfeld, who was Jewish, resided in Cluj, Romania (formally known as Kolozsvar and annexed to Hungary between 1940 and 1947), where he worked as a jeweler. According to the information provided by Claimant [REDACTED 1], in 1944 Henry Braunfeld, his wife and children were deported by the Nazis and never heard from again. Claimant [REDACTED 1] indicated that she was born on 21 September 1910 in Turda, Hungary.

The CRT's Analysis

Claimant [REDACTED 1]'s Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her cousin's husband. As indicated above, Claimant [REDACTED 1] is the sister of Claimant [REDACTED 3] and Claimant [REDACTED 4]. The information provided by Claimant [REDACTED 1] is consistent with the information provided by Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4]. The CRT therefore concludes that, in addition to the Claimants addressed in the August 2002 Award, Claimant [REDACTED] is also related to the Account Owner.

Claimant [REDACTED 1]'s Entitlement to the August 2002 Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. The CRT notes that Claimant [REDACTED 1] is the cousin of the Account Owner's wife, whereas Claimant [REDACTED 2] is the Account Owner's nephew. Accordingly, Claimant [REDACTED 2], as the direct descendant of the Account Owner's parents, has a better entitlement to the account than Claimant [REDACTED 1] (and her siblings, Claimant [REDACTED 3] and Claimant [REDACTED 4]), who is related to the Account Owner by marriage. Accordingly, Claimant [REDACTED 2] is entitled to the entire award amount; Claimant [REDACTED 1] is not entitled to any portion of the total award amount.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, Claimant [REDACTED 1] 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.

Claimant [REDACTED 1] 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, Claimant [REDACTED 1] should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010