

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Leopold Brunner

Claim Numbers: 601627/AX;¹ 775755/AX^{2,3}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Leopold Brunner. This Denial is to the published account of Leopold Brunner (the “Account Owner”) at the [REDACTED] (the “Bank”).^{4,5}

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 an Initial Questionnaire and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her paternal uncle, Leopold Brunner, who was born in 1888 in Devavanya, Hungary, and was married to [REDACTED], owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, resided in Eisenstadt, Austria, where he

¹ The Claimant submitted a claim, numbered B-02103, on 15 November 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601627.

² In addition to her HCPO claim, in 1999, the Claimant submitted an Initial Questionnaire, numbered ENG-0210153, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 775755.

³ The Claimant submitted additional claims to the accounts of Adolf Brunner, Vojtech Bela Brunner, and her own account, which are registered under the Claim Numbers 702924, 702927, and 702877, respectively. The CRT will treat the claims to these accounts in separate determinations.

⁴ The CRT did not locate an account belonging to Leopold Brunner, 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”).

⁵ In this claim, the Claimant also claimed the accounts of Adolf Brunner, Laszlo Brunner, Vojtech Brunner, Julia Brunner, Yanka Diamant, Ignac Stern, and Terka Lipova. The CRT will treat the claim to these accounts in a separate determination.

owned a clothing store. The Claimant further indicated that her uncle previously resided in Naslat and Budapest, Hungary. According to the Claimant, in 1938 her uncle fled to Bratislava, Czechoslovakia (now Slovakia), and in 1942 he was deported to Auschwitz, where he perished. The Claimant indicated that she was born on 13 May 1921 in Trencin, Czechoslovakia (now Slovakia).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Leopold Brunner. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's name matches that 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 4020244

The Bank's records indicate that the Account Owner was Leopold Brunner, who resided in Trieste, Italy. The Bank's records further indicate the Account Owner's title, the name, title, city and country of residence of a person who jointly held the account at issue with the Account Owner, and who appears to be related to the Account Owner. These records also indicate the names, titles, cities and countries of residence for three individuals, also apparently related to the Account Owner and the joint account owner, who had limited rights over the account. Finally, the Bank's records contain the Account Owner's and the joint account owner's signatures.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Austria, Hungary and Czechoslovakia. In contrast, the Bank's records show that the Account Owner resided in Italy. Additionally, the CRT notes that the Claimant did not identify the person who jointly held the account at issue with the Account Owner and who appears to be closely related to the Account Owner, nor did she identify the other three individuals who had limited rights over the account, and who also appear to be related to the Account Owner and the joint account owner. Moreover, the CRT notes that the

Claimant did not identify the Account Owner's title. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 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. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number which form 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 her claims 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 October 2005