

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Yitzchak Borowsky

## **in re Account of Walter Burg**

Claim Numbers: 210451/SB; 000174/SB<sup>1</sup>

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Willi (Walter) Burg.<sup>2</sup> This Denial is to the published account of Walter Burg (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>3</sup>

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 Claim Forms asserting that her paternal uncle, Walter Burg, who was born in Berlin, Germany, owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was the son of [REDACTED], and was the owner of a beverage factory in Berlin, where he also resided. The Claimant further stated that her family lost contact with her uncle in January 1939, when he was still residing in Berlin. The Claimant indicated that she was born on 19 February 1936 in Berlin.

## **Information Available in the German Archives**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Walter Burg. The CRT further notes that the auditors who carried out the investigation of this

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<sup>1</sup> The Claimant submitted an Initial Questionnaire to the Court in 1999. The CRT is treating the Initial Questionnaire under the Claim Number 725499. The CRT will treat this claim in a separate determination.

<sup>2</sup> The CRT did not locate an account belonging to Willi Burg 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”).

<sup>3</sup> In these claims, the Claimant also claimed the account of Benjamin Burg. The CRT will treat the claims to this account in a separate determination.

bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Walter Burg during their investigation of the Bank. The documents evidencing an account belonging to Walter Burg were obtained from archival sources in Germany. The account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

#### Account 6001479

The records from the German Archives indicate that the Account Owner was Walter Burg. These records also indicate the Account Owner’s title, occupation, street addresses and cities and countries of residence, together with the names of the Account Owner’s spouse and father. Finally, these records contain the Account Owner’s signature.

### **The CRT’s Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are 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 unpublished information about the Account Owner available in the records from the German Archives. Specifically, the Claimant stated that her paternal grandfather was Dov Burg and that her uncle resided in Germany in 1939. In contrast, the records from the German Archives show that the Account Owner had a different father and was residing in a different country several years prior to 1939. 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 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 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  
17 November 2006