

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Arie Davidovici

**in re Account of Oskar Bürger
(Power of Attorney Holder Frieda Bürger)**

Claim Number: 204930/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Oskar Bürger (the “Account Owner”), over which Frieda Bürger (the “Power of Attorney Holder”) held a power of attorney, 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 her great-uncle, Oskar Burger, owned a Swiss bank account, over which her mother, Frieda Zucker, née Burger, held a power of attorney. The Claimant did not provide any information regarding her great-uncle other than to state that he was Jewish. The Claimant stated that her mother, who was Jewish, was born on 9 January 1910 in Antwerp, Belgium, and was married to [REDACTED]. The Claimant further stated that her mother resided in Antwerp and was deported to Auschwitz in 1943, where she perished. The Claimant indicated that she was born on 28 July 1937 in Antwerp.

The Claimant submitted documents in support of her claim, including her mother’s identification papers, dated December 1942, which indicate her date of birth, her spouse’s name and her place of residence.

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire under the Claim Number 707811. In the Initial Questionnaire, the Claimant claimed an account belonging to Abraham Zucker. The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Oskar Burger, over which Frieda Burger held a power of attorney. 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 and power of attorney holder's names match 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 5026807

The Bank's records indicate that the Account Owner was Oskar Bürger, who resided in Vienna, Austria, and that the power of attorney holders were Frieda Bürger (also known as Fritzi Kornfeld) and Felix Kornfeld. The Bank's records also indicate the Account Owner's professional or academic title and street address, and the power of attorney holders' street addresses and city and country of residence. Furthermore, the Bank's records indicate the date of closing of the account at issue.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account. The Bank provided the CRT with additional documents. These documents contain the Account Owner's and the power of attorney holders' signatures and the date on which the power of attorney form was signed.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of two individuals Oskar Bürger and Frieda Bürger. These documents indicate Oskar Bürger and Frieda Bürger's street address and city of residence, their dates of birth and familial relationship, Oskar Bürger's profession and title, and Frieda Bürger's maiden name. Furthermore, these documents contain Oskar Bürger's and Frieda Bürger's signatures.

Based upon the information contained in the 1938 Census documents, namely street address, city and country of residence, title and signatures, the CRT concludes that these individuals, Oskar Bürger and Frieda Bürger, are the Account Owner and the Power of Attorney Holder, respectively.

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 or the Power of Attorney Holder as her relatives. Although the name of her relatives matches the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner and the Power of Attorney Holder available in the Bank's records and in the 1938 Census documents. Specifically, the Claimant stated that her mother was born on 9 January 1910 and that Burger was her maiden name. In contrast, the 1938 Census records show that the Power of Attorney Holder was born several decades earlier and had a different maiden name. Further, the Claimant stated that her relatives were uncle and niece, whereas the 1938 Census records indicate that the Account Owner and Power of Attorney Holder had a different familial relationship. The CRT also notes that all of the information provided by the Claimant was consistent with the fact that her family resided in Belgium, whereas the Bank's records indicate that the Account Owner and the Power of Attorney Holder resided in Austria. Moreover, according to the documents submitted by the Claimant, her mother's maiden name was spelled Burger, whereas the Bank's records and the 1938 Census records show that the Account Owner's and the Power of Attorney Holder's last names were spelled Bürger.² Consequently, the CRT is unable to conclude that the Account Owner or the Power of Attorney Holder and the Claimants' relatives are the same persons. Moreover, it should be noted that the CRT has awarded the account to another claimant who plausibly identified the Account Owner and the Power of Attorney Holder as her relatives. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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.

² The CRT notes that an umlaut in a name is often dropped, and that the CRT did not base this denial on this discrepancy alone.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her 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
23 February 2006