

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Accounts of Egon Ehrenstein

Claim Numbers: 003844/MBC; 209747/MBC

This Certified Denial is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), and [REDACTED 2] (“Claimant [REDACTED 2]”) (together “the Claimants”) to the published account of Egon Ehrenstein.¹ This Denial is to the published and unpublished accounts of Egon Ehrenstein (the “Account Owner”) at the [REDACTED] (the “Bank”).²

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the banks have been redacted.

Information Provided by Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her relative, Egon Ehrenstein, who was born on 30 October 1898, and was married to [REDACTED], née [REDACTED], in Bucharest, Romania. Claimant [REDACTED 1] indicated that [REDACTED] was his mother’s sister and Egon Ehrenstein’s second wife.

¹ The CRT did not locate an account belonging to the Claimants’ relative, Egon Ehrenstein, 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”). However, an account belonging to Egon Ehrenstein was included in the list published as Official Notification by the World Jewish Congress: List of Known Swiss Bank Accounts, a non-exhaustive list of foreign accounts held at the New York Agency of the Swiss Bank Corporation as of 14 June 1941. The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information they provided or upon information from other sources.

² The CRT notes that, on the list published as Official Notification by the World Jewish Congress: List of Known Swiss Bank Accounts, Egon Ehrenstein is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records provided by the Holocaust Claims Processing Office evidence the existence of two additional accounts, one of which was owned jointly with Selma Ehrenstein.

Claimant [REDACTED 1] further indicated that Egon Ehrenstein, who was Jewish, resided in Bucharest and was the director of a bank. Claimant [REDACTED 1] indicated that Egon Ehrenstein passed away on 29 March 1982. In support of her claim, Claimant [REDACTED 1] submitted a copy of her birth certificate, her mother's birth certificate, and her father's birth certificate. Claimant [REDACTED 1] indicated that she was born on 16 September 1937 in Tulcea, Romania.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his relative, Egon Ehrenstein, who was born in 1898, in Bucharest, Romania. Claimant [REDACTED 2] indicated that Egon Ehrenstein was married to [REDACTED], who was his father's sister. Claimant [REDACTED 2] further indicated that Egon Ehrenstein, who was Jewish, resided in Bucharest and was the owner and director of a bank that was nationalized by the Romanian government during the Second World War. Claimant [REDACTED 2] indicated that Egon Ehrenstein passed away in 1982. Claimant [REDACTED 2] further indicated that Claimant [REDACTED 1] is his cousin. In support of his claim, Claimant [REDACTED 2] submitted a copy of his Romanian identity card. Claimant [REDACTED 2] indicated that he was born on 6 July 1938 in Braila, Romania.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this 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 investigate the New York branch of the Bank, nor did the auditors report an account belonging to Egon Ehrenstein. The information about these accounts was obtained by the Holocaust Claims Processing Office ("HCPO") of the New York State Banking Department and forwarded to the CRT.

The documents forwarded to the CRT include a list of accounts blocked in the 1941 US Freeze of Swiss assets (the "1941 Freeze"),³ account cards, account ledgers, and correspondence between the Bank and a New York law firm regarding one of Account Owner Egon Ehrenstein's accounts. According to these records, Account Owner Egon Ehrenstein was Egon Ehrenstein, who resided at Boulevard Bratianu 35 in Bucharest, Romania. These records indicate that Account Owner Egon Ehrenstein held one account of unknown type, numbered F.F. 1045, and one demand deposit account, numbered H.E. 8107/10107. The Bank's records do not indicate when these accounts were opened. With regard to account numbered F.F. 1045, the Bank's

³ During the Second World War, the United States government froze certain foreign assets located in the United States, under the powers of the Trading with the Enemy Act of 1917 (50 U.S.C. App.). On 14 June 1941, President Roosevelt extended freezing controls to cover all of continental Europe (the "1941 Freeze"). Executive Order 8785 Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of All Foreign-Owned Property, and Related Matters (6 Fed. Reg. 2897). *See* PLUNDER & RESTITUTION: THE U.S. & HOLOCAUST VICTIMS' ASSETS, Staff Report of the Presidential Advisory Commission on Holocaust Assets in the United States, SR-44 (United States Government Printing Office, 2000) ("PLUNDER & RESTITUTION"), available at <http://www.pcha.gov>.

records do not indicate the value of the account, but do indicate that it was closed on 2 December 1940. With regard to account H.E. 8107/10107, one page of the Bank's records indicates that this account was held jointly with [REDACTED], while all other references to the account indicate that it was held solely by Account Owner Egon Ehrenstein. The Bank's records indicate that account H.E. 8107/10107 had a balance of 9,317.75 United States Dollars ("US \$") when it was frozen on 14 June 1941. The records indicate that this account was closed on 17 May 1960.

The Bank's records further indicate that the Account Owner and [REDACTED] jointly held one account of unknown type, numbered 18154. The records do not indicate when this account was opened or the value of the account, but they do indicate that it was closed on 17 September 1949.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Previous Decision by the CRT

On 14 September 2005, the Court approved an Award to [REDACTED] ("Claimant [REDACTED]") and [REDACTED] ("Claimant [REDACTED]") for three accounts held by the Account Owner at the Bank (the "September 2005 Award").⁴

The CRT notes that in the September 2005 Award, the CRT determined that Claimant [REDACTED] and Claimant [REDACTED] plausibly identified the Account Owner, that they plausibly demonstrated that they are related to the Account Owner, and that they made a plausible showing that the Account Owner was a Victim of Nazi persecution.

Based on the information contained in the Bank's records, the CRT determined that the Account Owner held one demand deposit account and two accounts of unknown type. The CRT determined that one of the accounts of unknown type was jointly held by the Account Owner and [REDACTED]. The CRT noted that the Bank's records did not indicate the values of the two accounts of unknown type. The CRT determined that the demand deposit account had a balance of 9,317.75 United States Dollars ("US \$") when it was frozen on 14 June 1941, and that at that time, the balance was equivalent to 40,159.50 Swiss Francs ("SF").⁵ The CRT determined that it was plausible that the Account Owner did not receive the proceeds of the three accounts. Pursuant to Article 29 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT determined that the value of the account of unknown type was SF 3,950.00, for a combined historic balance of SF 48,059.50 for the two accounts of unknown type and the demand deposit account. The current value of this amount was determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 600,743.75.

⁴ The September 2005 Award did not address the entitlement of Claimant [REDACTED 1] and Claimant [REDACTED 2] to these accounts.

⁵ In converting the account balance to Swiss Francs, the CRT uses official exchange rates.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Claimant [REDACTED 1] and Claimant [REDACTED 2]'s Identification of the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have also plausibly identified the Account Owner. Claimant [REDACTED 1]'s and Claimant [REDACTED 2]'s relative's name matches the published name of the Account Owner. Moreover, the CRT notes that the information submitted by Claimant [REDACTED 1] and Claimant [REDACTED 2] matches both the information provided by Claimant [REDACTED] and Claimant [REDACTED]. The information provided by the Claimants indicates that Claimant [REDACTED 1]'s and Claimant [REDACTED 2]'s relative is the same person as Claimant [REDACTED]'s and Claimant [REDACTED]'s cousin. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Target of Nazi Persecution

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2], who identified Claimant [REDACTED 1] as his cousin, indicated that the Account Owner was Jewish, resided in Bucharest and was the owner and director of a bank that was nationalized by the Romanian government during the Second World War.

Claimant [REDACTED 1]'s and Claimant [REDACTED 2]'s Relationships to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner by submitting information demonstrating that the Account Owner's second wife was the sister of Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s father. The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] identified information that is both consistent with the information provided by Claimant [REDACTED] and Claimant [REDACTED] and with information contained in the Bank's records. The CRT further notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] identified the Account Owner as a relative to whom they are related by marriage only, making it unlikely that they would possess extensive information regarding this relative. Taking all these factors into account, the CRT determines that all of this information supports the plausibility that Claimant [REDACTED 1] and Claimant [REDACTED 2] are related to the Account Owner, as they have asserted in their Claim Forms.

Division of the September 2005 Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. Claimant [REDACTED] and Claimant [REDACTED], who are the cousins of Egon Ehrenstein, are the descendants of the Account Owner's grandparents and therefore are more entitled to the accounts than Claimant [REDACTED 1] and Claimant [REDACTED 2], who are related to the Account Owner by marriage only. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are not entitled to any portion of the Award amount.

Right of Appeal

Pursuant to Article 30 of the Rules, Claimant [REDACTED 1] and Claimant [REDACTED 2] 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.

Claimant [REDACTED 1] and Claimant [REDACTED 2] 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

Claimant [REDACTED 1] and Claimant [REDACTED 2] should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 and by the Special Masters.

Claims Resolution Tribunal
31 December 2005