

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Josephine Ekstein  
and  
Account of Josephine Ekstein and Sophie Boskovitz  
and  
Account of Josephine Ekstein and Marianne K. Kaelbling**

Claim Number: 601481/AC<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Josefina (Josephine) Eckstein (Ekstein).<sup>2</sup> This Denial is to two accounts of Josephine Ekstein (“Account Owner 1”), one of which was held jointly with Sophie (Sofie) Boskovitz (“Account Owner 2”), and over one of which Account Owner 2 held power of attorney; and the account of Josephine Ekstein (“Account Owner 3”) and Marianne K. Kaelbling (“Account Owner 4”), (together the “Account Owners”), all 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 to the Holocaust Claims Processing Office (“HCPO”), asserting that her mother, Josefina (Josephine) Steinberger, née Eckstein (Ekstein), who was born on 21 August 1912 in Bucharest, Romania, and was married to [REDACTED] on 15 March 1936, owned a Swiss bank account. The Claimant indicated that her mother’s family was originally from Oradea, Romania (then Hungary), and Timisoara, Romania (then Hungary). According to the Claimant, her parents, who were Jewish, resided at Str. Latină 24 and at Str. Dr. Juvara 19 in Bucharest. The Claimant also indicated that her father had a brother who wrote from France or Switzerland, stating that he could deposit money in Switzerland and that he would write to the Claimant’s father with the bank account number in a subsequent letter. The Claimant explained

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<sup>1</sup> The Claimant submitted a claim, numbered B-00143, on 2 October 1997, 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 601481.

<sup>2</sup> In a separate decision, the CRT denied the accounts to the Claimant. See *In re Account of Josephine Ekstein and Franz Steinberger (Power of Attorney Holder Josefina Steinberger)* (approved on 2 November 2005).

that this letter never arrived and that her uncle never returned. According to the Claimant, her maternal grandparents owned a successful carbonated drink factory before and during the Second World War and tried to travel to Switzerland to deposit money in the names of their children. The Claimant indicated that her mother resided in Romania during and after the War until 1969, when she emigrated to Israel. The Claimant indicated that her mother died in Israel in September 1978. The Claimant indicated that she was born on 28 February 1937 in Bucharest.

The Claimant submitted documents in support of her application, including: (1) her own birth certificate, which identifies her parents as [REDACTED] and Josefina Steinberger and indicates she was born in Bucharest; and (2) the birth certificate of Josefina Eckstein, which indicates she was born in Bucharest and identifies her parents as [REDACTED] and [REDACTED], née [REDACTED].

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Josefina (Josephine) Steinberger, née Eckstein (Ekstein). The CRT further 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") reported two accounts whose account owners' or power of attorney holders' names match that provided by the Claimant, which will be treated in a separate determination. The Bank's documents pertaining to the three accounts treated in this decision were obtained from the Bank by the HCPO on the Claimant's behalf and were forwarded to the CRT. Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

#### Accounts 6002626 and 6002627

The Bank's records indicate that Account Owner 1 was *Frau* (Mrs.) Josephine Ekstein, later known as Mrs. Josephine Hauser, who resided in Timisoara, Romania, and that Account Owner 2 was *Frau* (Mrs.) Sophie (Sofie) Boskovitz, who also resided in Timisoara. These records also indicate Account Owner 1's street address in Timisoara. The Bank's records indicate that correspondence regarding Account Owner 1's account was to be sent to a contact person who resided in Medina, Ohio, the United States. These records indicate that Account Owner 1 and Account Owner 2 held one joint account of unknown type, numbered 80498, and that Account Owner 1 held a second account of unknown type, numbered 67015, over which Account Owner 2 held power of attorney.

The Bank's records indicate that joint account 80498 was opened on 29 May 1940, that it was blocked in 1941, and that it was subsequently closed on 7 November 1969 to an unknown party. According to these records, this account was internally identified as account 0-453-501484-10. These records indicate balances for this account as of dates between 1941 and 1960.

According to these records, account 67015, which was held by Account Owner 1, over which Account Owner 2 held power of attorney, was opened on 5 April 1940, at which time Account

Owner 1 indicated her name as *Frau* (Mrs.) Josephine Ekstein. These records indicate that this account was transferred to the Bank's New York branch on 15 November 1940. These records do not indicate a closing date for the joint account, nor do they indicate who received the proceeds of the account.

#### Account 6002629

The Bank's records indicate that Account Owner 3 was Mrs. Josephine Ekstein, who resided in Romania, and that Account Owner 4 was Mrs. Marianne K. Kaelbling, who resided in Columbus, Ohio, the United States. The Bank's records indicate that Account Owner 3 and Account Owner 4 jointly held one account of unknown type, and that it was closed to an unknown party on 9 December 1969. These records indicate that this account was internally identified as account 0-452-501484-00.

### **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 Owners

As for Accounts 6002626 and 6002627, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother matches the unpublished name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her mother was Josephine Steinberger, née Ekstein, and that she was married in 1936. In contrast, the Bank's records show that Account Owner 1 was still known as Josephine Ekstein as of 1940, and that she later changed her surname to Hauser, a name to which the Claimant established no connection. The CRT notes that the Claimant indicated that it was likely that her mother's uncle opened the account in her mother's name as a dowry, and that he may have opened it in her maiden name even after she was married, but the CRT determines that it is unlikely that he would have placed her dowry money in an account held jointly with Account Owner 2, who does not appear to be related, whom the Claimant did not identify, and who also held power of attorney over an account held by Account Owner 1. Moreover, it should be noted that the CRT has identified another claimant who plausibly identified Account Owner 1 as her relative, and who is not related to the Claimant. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Account 6002629, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Based on a careful review of the Bank's records, the CRT determines that Account Owner 1 and Account Owner 3 were the same person, and that having failed to identify Account Owner 1 as her relative, the Claimant has also failed to identify Account Owner 3 as her relative. Although the name of her mother matches the unpublished name of Account

Owner 3, the information provided by the Claimant differs from the unpublished information about Account Owner 3 available in the Bank's records. Specifically, the CRT notes that one of the accounts held by Account Owner 1 was identified by the number 0-453-501484-10, and that the account held by Account Owner 3 was identified by the number 0-452-501484-00; the CRT further notes that the initial and final digits in these numbers likely refer to account types and branch information, and that the center group of numbers, 501484, which appears in both account numbers, likely refers to an individual customer who held both accounts. Furthermore, the CRT notes that on one of her accounts, Account Owner 1 had a contact person who resided in Medina, Ohio, the United States, and that Account Owner 4, who held a joint account with Account Owner 3, resided approximately 150 kilometers from Medina, in Columbus, Ohio, the United States. Moreover, it should be noted that the CRT has identified another claimant who plausibly identified Account Owner 3 as her relative, and who is not related to the Claimant. Consequently, the CRT is unable to conclude that Account Owner and the Claimant's mother 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 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  
12 May 2006