

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of [REDACTED]¹

in re Accounts of Albert Engel

Claim Number: 214537/MG²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Albert Engel (the “Account Owner”) 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 his maternal uncle, Albert Engel, who was born on 14 April 1889 in Berlin, Germany, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, resided in Berlin until the Nazis came to power in Germany in 1933, when he fled to France. The Claimant further stated that his uncle owned a small factory that manufactured hats not far from Berlin. According to the Claimant, his uncle was deported to Auschwitz, where he perished in March 1943. The Claimant indicated that he was born on 22 March 1922 in Berlin.

The Claimant submitted documents in support of his application, including a list of names of Jews who were sent from France to Auschwitz, listing the name Albert Engel.

¹ On 16 March 2004, the CRT was informed by the Claimant’s spouse, [REDACTED], that the Claimant passed away on 23 August 2002. Ms. [REDACTED] submitted the Claimant’s death certificate and inheritance documents relating to the Claimant. According to the inheritance documents, the Claimant’s heir is [REDACTED], who was born on 17 December 1928 in Poland.

² The Claimant submitted an additional claim to the accounts of Charlotte Blumenfeld and Charlotte Engel, which is registered under the Claim Number 214534. The CRT will treat the claim to these accounts in a separate decision.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Albert Engel. 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 two accounts whose owner's name matches that provided by the Claimant. The accounts are identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1011927 and 1011928

The Bank's records indicate that the Account Owner was Albert Engel, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence, profession and title. Furthermore, the Bank's records indicate the dates of opening of both of the accounts and the date of closing of one of the accounts at issue.

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 his relative. Although the name of his 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 Bank's records. Specifically, the Claimant stated that his uncle resided in Berlin, Germany, where he owned a small hat factory, and that he fled Germany for France after the Nazis came to power in Germany in 1933. In contrast, the Bank's records show that the Account Owner resided in a different city in Germany, located more than 500 kilometers from Berlin, was in a different profession, and used a title, which was not identified by the Claimant. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle is 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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 his 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
30 December 2004