

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Stephen Harnik

in re Account of M. Engel

Claim Number: 401698/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of M. Engel (the “Account Owner”) held 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 in 2005 asserting that her paternal aunt, Margarete (Grete) Schwarzbart, née Engel,¹ who was born on 27 March 1908 in Vienna, Austria, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her aunt, who was Jewish, resided in Vienna until 1938, when she fled Austria to Paris, France. The Claimant further stated that her aunt died in 1989. The Claimant indicated that she was born on 26 November 1949 in New Haven, Connecticut, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Margarete Engel. 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”) did not report an account belonging to Margarete Engel during their investigation of the Bank. The documents evidencing an account belonging to M. Engel were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss

¹ The CRT did not locate an account belonging to Margarete (Grete) Schwarzbart, née Engel 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”).

Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the “1962 Survey”). The account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Account 6001591

The Bank’s records indicate that the Account Owner was M. Engel. The Bank’s records also indicate the Account Owner’s full name and marital status.

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 her relative. Although the name of her aunt matches the published first name initial and last 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 Swiss Federal Archive. Specifically, the Claimant stated that her aunt’s first name was Margarete or Grete. In contrast, the Bank’s records show that the Account Owner had a different first name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s aunt are the same person.

The CRT has taken utmost care in matching the names of the persons identified by the Claimant as a possible account owner to names of actual account owners identified 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”). The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed this claim carefully and analyzed matches to accounts belonging to account owners with the same or similar spellings to Margarete Engel’s surname, which includes Marguerite Engel, and has determined that these accounts do not belong to the Claimant’s relative.

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, or the alternative name of the account owner identified above, 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
8 August 2006