

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Martha Engel
and
Account of M. Engel**

Claim Numbers: 204956/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Martha Engel (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of M. Engel (“Account Owner 2”) held at an unknown bank (“Bank 2”).

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 cousin’s mother, Martha Engel, who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his cousin’s mother, who was Jewish, resided with her husband in Leipzig, Germany. The Claimant did not provide any information regarding the fate of his cousin’s mother. The Claimant indicated that he was born on 27 December 1917 in Berlin, Germany.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Martha 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. In addition, documents evidencing an account belonging to M. Engel were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts

¹ The Claimant submitted three Initial Questionnaires to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 204956. In the Claim Form and the Initial Questionnaires the Claimant also claimed accounts belonging to Alfred (Abraham) Leda, Theodor Juettner and Paula Juettner. The CRT will treat the claim to these accounts in a separate determination.

reported in a survey conducted pursuant to Swiss 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"). Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Accounts 5024274 and 5024420

Bank 1's records indicate that Account Owner 1 was Martha Engel, who resided in Schwabmuenchen, Germany. Bank 1's records also indicate Account Owner 1's maiden name, street address and the name and address of a power of attorney holder for one of the accounts at issue. Finally, Bank 1's records contain Account Owner 1's signature.

Account 6001591

Bank 2's records indicate that Account Owner 2 was M. Engel. Bank 2's records also indicate Account Owner 2's full name.

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 5024274 and 5024420, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his cousin's mother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his cousin's mother resided in Leipzig, Germany and that her married name was Engel. In contrast, Bank 1's records show that Account Owner 1 resided in Schwabmuenchen, Germany, which is over 400 kilometers from Leipzig, and that Engel was Account Owner 1's maiden name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's cousin's mother are the same person.

As for Account 6001591, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his cousin's mother matches the published first name initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his cousin's mother's first name was Martha. In contrast, Bank 2's records show that Account Owner 2 had a different first name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's cousin'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 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
12 May 2006