

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by [REDACTED]

### **in re Accounts of Gregor Feldmann<sup>1</sup>**

Claim Number: 001616/ES/AH; 721744/AH<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account held by himself. The CRT did not locate an account belonging to [REDACTED] 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”). This Denial is to the published accounts of Gregor Feldmann (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 he owned a Swiss bank account. The Claimant stated that he was born on 24 December 1915 in the Ukraine, and that he was married to [REDACTED]. The Claimant, who is Jewish, stated that when the Nazis invaded the Ukraine, he and his family fled to central Russia, and that in 1942 he was drafted to the Russian army.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself.

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (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 Claimant in one proceeding.

The Claimant submitted documents in support of his application, including copies of his birth certificate and his identity card.

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

The CRT notes that the Claimant submitted a claim to an account belonging to him. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name is substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Accounts 5024408 and 5035095

The Bank's records indicate that the Account Owner was Gregor Feldmann, who resided in Vienna, Austria, and that the Power of Attorney Holder was Fanny Feldmann. The Bank's records also indicate the Account Owner's street address, title, and his relationship to the Power of Attorney Holder, as well as the Power of Attorney Holder's maiden name. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signature samples.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified Account Owner Gregor Feldmann as himself. Although his name is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that he was born in 1915 and resided in the Ukraine. In contrast, the Bank's records show that the Account Owner resided in Austria, and that he had an academic title at a time when the Claimant was too young to have such a title. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder of the accounts at issue although she appears to be closely related to the Account Owner. Consequently, the CRT concludes that the Account Owner and the Claimant are not 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 September 2004