

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Filippo Antun Fischer

**in re Account of Leo Fischer-Tanner  
and Account of Ernst Fischer  
(Power of Attorney Holder L. Fischer)<sup>1</sup>**

Claim Number: 215257/MG

This Certified Denial is based on the claim of Filippo Antun Fischer (the “Claimant”) to an account of Leo Fischer. This Denial is to the published account of Leo Fischer-Tanner (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Ernst Fischer (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that his father, Leo (Leon) Fischer, who was born on 1 February 1905 in Sisak, Yugoslavia (now Croatia), and was married to Mira Kolenc, on 27 November 1939 in Sisak, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Zagreb, Croatia between the years 1938 and 1942, and that he was a wholesale dealer. The Claimant further stated that the Gestapo arrested his father on 10 October 1943 in Split, Croatia, and that he perished on 20 October 1943 in Metkovic, Yugoslavia (now Croatia). The Claimant indicated that he was born on 9 December 1943 in Split.

The Claimant submitted documents in support of his application, including: (1) a copy of his father’s death certificate; and (2) a copy of his own birth certificate.

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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’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Leo (Leon) Fischer. 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 one account whose owner's name and one account whose Power of Attorney Holder's name were 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.

### Account 3019152

Bank 1's records indicate that Account Owner 1 was Leo Fischer-Tanner, who resided in Lucerne, Switzerland. Bank 1's records also indicate the name of a person who jointly held the account with Account Owner 1 and seems to be closely related to him.

### Account 5023672

Bank 2's records indicate that Account Owner 2 was Ernst Fischer, who resided in Vienna, Austria, and that the Power of Attorney Holder was L. Fischer. Bank 2's records also indicate Account Owner 2's street address and his relationship to the Power of Attorney Holder. In addition, Bank 2's records indicate the Power of Attorney Holder's gender, full name, and street address. Furthermore, Bank 2's records indicate the date on which the power of attorney was granted. Finally, Bank 2's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

## **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 Account 3019152, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is substantially similar to 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, Account Owner 1's hyphenated last name, Tanner, was not identified by the Claimant. Moreover, the Claimant did not identify the person who jointly held the account at issue with Account Owner 1 and seems to be closely related to him. Moreover, the Claimant stated that his father, Leo Fischer, resided in Croatia. In contrast, Bank 1's records show that Account Owner 1 resided in Lucerne, Switzerland. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5023672, the CRT concludes that the Claimant has not identified Power of Attorney Holder L. Fischer as his relative. Although the name of his father is substantially similar to the published name of Power of Attorney Holder L. Fischer, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder L. Fischer available in Bank 2's records. Specifically, the Claimant is claiming the account of his father. In contrast, Bank 2's records show that Power of Attorney Holder L. Fischer was a woman. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as his relative. Consequently, the CRT concludes that Power of Attorney Holder L. Fischer and the Claimant's father are not the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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  
15 July 2005