

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Zvi Fischer

**in re Account of A. Fischer
and
Account of L. Rappolt-Fischer
and
Account of Ernst Fischer
(Power of Attorney Holder L. Fischer)¹**

Claim Number: 220655/MG²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Herman Burger and to accounts opened in the name of Piroska (Piri) Pesl Burger, née Goldreich, Yasi (Joszi, Josef) Burger, Berthold Jakob-Dov (Bubi) Burger, and Alice Lica (Cíla, Cipora) Fischer, née Burger.³ This Denial is to the unpublished account of A. Fischer (“Account Owner 1”) at [REDACTED] (“Bank 1”), to the unpublished account of L. Rappolt-Fischer (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of Ernst Fischer (“Account Owner 3”) over which L. Fischer (the “Power of Attorney Holder”) held power of attorney, at 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 owners, and the banks have been redacted.

¹ 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 her relative.

² The Claimant submitted an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 220655.

³ The CRT did not locate an account belonging to Herman Burger, Piroska (Piri) Pesl Burger, née Goldreich, Yasi (Joszi, Josef) Burger or Berthold Jakob-Dov (Bubi) Burger, 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”).

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her father, Herman Burger, who was born on 18 July 1898 in Michalovce, Slovakia, and was married to Piroska (Piri) Pesl Burger, née Goldreich, in Munkacs, Czechoslovakia (now Mukacheve, Ukraine), owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a prominent businessman who owned a shop for electronic and metal goods in Munkacs, where he also resided beginning in 1934. The Claimant further stated that her father frequently traveled to Switzerland on business and that between 1934 and 1944, he opened accounts with Swiss banks in his own name and in his wife's name, as well as separate accounts for their children, Yasi (Joszi, Josef) Burger, Berthold Jakob-Dov (Bubi) Burger, and Alice Lica (Cíla, Cipora) Fischer, née Burger, and that the children were also beneficiaries of their parents' accounts. The Claimant stated that the town of Munkacs became Hungarian in 1938, and that her father was forcibly relocated to the Munkacs ghetto in April 1944. According to the Claimant, her father was deported in May 1944 to Germany, where he perished on 7 March 1945 in the Mauthausen concentration camp. The Claimant further stated that she was the only member of her family who survived the Holocaust. The Claimant indicated that she was born on 26 March 1928 in Munkacs.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Herman Burger.

The Claimant submitted documents in support of her application, including: (1) her birth certificate; (2) her marriage certificate, which indicates that she was married in 1951; and (3) a letter from the Swiss Federal Division of Justice, dated 9 January 1980, in which the Claimant was informed that no assets were located in the names of her parents or her brothers or in her own name.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Herman Burger, who opened an account in her name. 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 three accounts whose owners' or power of attorney holder's names are substantially similar to the Claimant's name. Each account is identified below by its Account Identification Number.

Account 3016931

Bank 1's records indicate that Account Owner 1 was A. Fischer. Bank 1's records also indicate Account Owner 1's city and country of residence, street address and profession. Furthermore, Bank 1's records contain Account Owner 1's signature sample and indicate the date on which this signature sample was provided.

Account 5027610

Bank 2's records indicate that Account Owner 2 was L. Rappolt-Fischer. Bank 2's records also indicate Account Owner 2's city and country of residence, and street address.

Account 5023672

Bank 2's records indicate that Account Owner 3 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 3's street address, relationship to the Power of Attorney Holder, and the Power of Attorney Holder's first name, city and country of residence, and street address. Furthermore, Bank 2's records indicate the date of opening of the account at issue. Finally, Bank 2's records contain Account Owner 2'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 Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 3016931, the CRT concludes that the Claimant has not identified Account Owner 1 as herself. Although her name is substantially similar to the unpublished name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that she was born in Munkacs, Czechoslovakia in 1928, and that Fischer is her married name, which she took in 1951. In contrast, Bank 1's records show that Account Owner 1 resided in a different city, and that the account was opened before the Claimant was born. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant are the same person.

As for Account 5027610, the CRT concludes that the Claimant has not identified Account Owner 2 as herself. Although her name is substantially similar to the unpublished 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 she was born in Munkacs, Czechoslovakia in 1928, and that Fischer is her married name, which she took in 1951. In contrast, Bank 2's records show that Account Owner 2 resided in a different country, and had the name Fischer long before 1951. Moreover, the Claimant did not identify the name Rappolt, which is part of Account Owner 2's last name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant are the same person.

As for Account 5023672, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as herself. Although the her name is substantially similar to the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the published and unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the Claimant stated that she was born in Munkacs, Czechoslovakia, in 1928, and that Fischer is her married name, which she took in 1951. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different country, had a different marital status, a different first name, and had the name Fischer long time before 1951. In addition, the CRT notes that the Claimant did not identify Account Owner 3 as her relative. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
27 February 2007