

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

**in re Accounts of Adolf Fischer  
and  
Account of A. Fischer  
and  
Account of Emma Fischer  
(Power of Attorney Holder Adolf Fischer)**

Claim Number: 211932/SB<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED 1] (the “Claimant”) to the the accounts of Adolf Fischer, Alex Kuntzlicher (Kuntstlicher), Aron Welcz, Mor Kuntzlicher (Kuntstlicher) and the business *Eisengeshàft* or *Fischer & Kunzlicher (Kuntstlicher)*. The CRT did not locate an account belonging to Alex Kuntzlicher (Kuntstlicher), Aron Welcz, Mor Kuntzlicher (Kuntstlicher), *Eisengeshàft* or *Fischer & Kunzlicher (Kuntstlicher)* in the Account base prepared pursuant to the investigation of History Data 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 This Denial is to the published accounts of Adolf Fischer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the unpublished account of Adolf Fischer (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the unpublished account of A. Fischer (“Account Owner 3”) at Bank 2 and to the published account of Emma Fischer (“Account Owner 4”) at the [REDACTED] (“Bank 3”).

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.

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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 those of the Claimant’s relatives, even if the Claimant did not specifically claim that particular account, even if the Claimant could not identify the owner of the account as his relative.

<sup>2</sup> The Claimant submitted Initial Questionnaires to the accounts of Adolf Fischer, Alex Kuntzlicher and Aron Welcz with 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 211932.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form indicating that his uncle, Adolf Fischer, who was married to his father's sister, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, resided in Dolna Ulica 6, Banska-Bystrica, Slovakia and was the co-owner of a metals business by the name of *Eisengeschäft* or *Fischer & Künzlicher*. The Claimant stated that his uncle was murdered by the Nazis in 1944. The Claimant indicated that he was born on 13 November 1923 in Satumare, Romania.

The Claimant submitted documents in support of his application, including a copy of a letter from a relative, dated 28 August 1998, recounting the story of the last days of his uncle's family, indicating that the family resided in Banska-Bystrica.

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

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Adolf Fischer. The auditors who carried out the ICEP Investigation reported five accounts whose owners' or power of attorney holder's names matches 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 1012865 and 1012866

Bank 1's records indicate that Account Owner 1 was Adolf Fischer who resided in Czechoslovakia. Bank 1's records also indicate Account Owner 1's city of residence, as well as a second city and country of residence for Account Owner 1. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

### Account 3016853

Bank 2's records indicate that Account Owner 2 was Adolf Fischer. Bank 2's records also indicate Account Owner 2's city and country of residence. Finally, Bank 2's records contain Account Owner 2's signature.

### Account 3016931

Bank 2's records indicate that Account Owner 3 was A. Fischer. Bank 2's records also indicate Account Owner 3's city and country of residence, street address and type of business. Finally, Bank 2's records contain Account Owner 3's signature.

## Account 5024322

Bank 3's records indicate that Account Owner 4 was Emma Fischer, who resided in Brno, Czechoslovakia and that the Power of Attorney Holder was Adolf Fischer. Bank 3's records also indicate Account Owner 4's and the Power of Attorney Holder's street address. Finally, Bank 3's records contain Account Owner 4'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.

### Identification of the Account Owners

As for Accounts 1012865 and 1012866, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published 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 his uncle resided in Banska-Bystrica, Slovakia. In contrast, Bank 1's records show that Account Owner 1 resided in another city, which is over 500 kilometers from Banska-Bystrica, a city to which the Claimant did not demonstrate a connection. Furthermore, the Claimant did not identify or demonstrate a connection to Account Owner 1's second city and country of residence. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 3016853, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches 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 his uncle resided in Banska-Bystrica, Slovakia. In contrast, Bank 2's records show that Account Owner 2 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Account 3016931, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his uncle matches the initial and last name of the unpublished name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his uncle resided in Banska-Bystrica, Slovakia. In contrast, Bank 2's records show that Account Owner 3 resided in another city, which is over 500 kilometers from Banska-Bystrica, a city to which the Claimant did not demonstrate a connection. Furthermore, the Claimant identified his uncle's profession as a co owner of a metals business, which is inconsistent with the information regarding Account Owner 3's type of business as indicated in Bank 3's records. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's uncle are the same person.

As for Account 5024322, the CRT concludes that the Claimant has not identified Power of Attorney Holder Adolf Fischer as his relative. Although the name of his uncle matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in Bank 3's records. Specifically, the Claimant stated that his uncle resided in Banska-Bystrica, Slovakia. In contrast, Bank 3's records show that the Power of Attorney Holder resided in another city, which is over 400 kilometers from Banska-Bystrica, a city to which the Claimant did not demonstrate a connection. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's uncle are the same person.

The CRT also notes that the Claimant did not identify the Account Owner 4 as his relative, even though he bears the same last name as Account Owner 4 and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 4, as his relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 3's records that the Power of Attorney Holder and Account Owner 4 were related.

### 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  
19 November 2004