

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Adolf Fischer
and
Account of *A. Fischer*
and
Account of Emma Fischer
(Power of Attorney Holder Adolf Fischer)
and
Account of Fritz Langenbacher
(Power of Attorney Holder A. Fischer)¹**

Claim Number: 005000/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Adolf Pal (Fischer). This Denial is to the published and unpublished accounts of two individuals named Adolf Fischer (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”), to the unpublished account of *A. Fischer* (“Account Owner 3”) at Bank 2, to the published account of Emma Fischer (“Account Owner 4”), over which Adolf Fischer (“Power of Attorney Holder 1”) held power of attorney, at the [REDACTED] (“Bank 3”), and to the published account of Fritz Langenbacher (“Account Owner 5”), over which A. Fischer (“Power of Attorney Holder 2”) held a power of attorney, at Bank 3.²

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 father, Adolf Pal (Fischer), who was

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 the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as his relative.

² The CRT did not locate an account belonging to Adolf Pal 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”).

born in 1885 in Austria-Hungary, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Romania and was a cattle dealer. The Claimant further stated that his father died in August 1937 in Romania and that his mother perished in Auschwitz in 1944. The Claimant indicated that he was born on 17 July 1923 in Romania.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Adolf Pal (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 six accounts whose owners' or power of attorney holders' names match 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 in Czechoslovakia and a second city and country of residence. Furthermore, Bank 1's records indicate the dates of opening of one of the accounts at issue and the dates of closing of both 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 and a year in which Bank 2 was in correspondence with Account Owner 2. 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 that Account Owner 3 was a business and the city and country in which Account Owner 3 was located.

Account 5024322

Bank 3's records indicate that Account Owner 4 was Emma Fischer, who resided in Brno, Czechoslovakia and that Power of Attorney Holder 1 was Adolf Fischer. Bank 3's records also indicate Account Owner 4's street address and Power of Attorney Holder 1's street addresses, cities and countries of residence. Finally, Bank 3's records contain Account Owner 4's and Power of Attorney Holder 1's signatures.

Account 5029720

Bank 3's records indicate that Account Owner 5 was Fritz Langenbacher and that Power of Attorney Holder 2 was A. Fischer. Bank 3's records also indicate Account Owner 5's city and country of residence and Power of Attorney Holder 2's gender and first name. Furthermore, Bank 3's records indicate the year in which the account at issue was opened.

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 1012865 and 1012866, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father 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 father resided in Romania until his death in 1937. In contrast, Bank 1's records show that Account Owner 1 resided in Czechoslovakia and in another country. The CRT also notes that one of the accounts at issue was opened after the death of the Claimant's father. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father 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 father 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 father resided in Romania until his death in 1937. In contrast, Bank 2's records show that Account Owner 2 was still alive several years after the Claimant's father's death and that Account Owner 2 resided in a country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father 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 father matches the published first name initial and last 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 is claiming the account of his father, who resided in Romania until his death in 1937. In contrast, Bank 2's records show that Account Owner 3 was a business, which was located in a different country. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

As for Account 5024322, the CRT concludes that the Claimant has not identified Power of Attorney Holder 1 as his relative. Although the name of his father matches the published name of Power of Attorney Holder 1, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 1 available in Bank 3's records. Specifically, the Claimant stated that his father resided in Romania until his death in 1937. In contrast, Bank 3's records show that Power of Attorney Holder 1 resided in other countries, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Power of Attorney Holder 1 and the Claimant's father are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 4 as his relative.

As for Account 5029720, the CRT concludes that the Claimant has not identified Power of Attorney Holder 2 as his relative. Although the name of his father matches the published name of Power of Attorney Holder 2, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder 2 available in Bank 3's records. Specifically, the Claimant is claiming the account of his father, who died in 1937. In contrast, Bank 3's records show that Power of Attorney Holder 2 was a female and that the account at issue was opened several years after the Claimant's father's death. Consequently, the CRT concludes that Power of Attorney Holder 2 and the Claimant's father are not the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 5 as his relative

The CRT further notes 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 did identify the power of attorney holder, but not the account owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the bank's records that the power of attorney holder and the account owner 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 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
23 January 2006