

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Ernst Fischer
(Power of Attorney Holder L. Fischer)¹**

Claim Number: 202336/SB²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Lidia Fischer.³ This Denial is to the published account of Ernst Fischer (the “Account Owner”), over which L. Fischer (the “Power of Attorney Holder”) held power of attorney, 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 his mother, Lidia Fischer, who was born on 5 October 1903 in Paks, Hungary, owned a Swiss bank account. The Claimant stated that her father was [REDACTED]. The Claimant stated that his mother, who was Jewish, resided in Paks, Hungary, but also spent some time studying in Vienna, Austria, between 1927 and 1928. The Claimant further stated that his mother perished in Auschwitz in 1944. The Claimant indicated that he was born on 28 April 1929 in Paks.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting his entitlement to a Swiss bank account owned by Lidia (Farago) Fischer.

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 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 202336. In the Initial Questionnaire, the Claimant claimed an account belonging to Sandor Fischer. The CRT will treat the claim to this account in a separate determination.

³ The CRT did not locate an account belonging to Lidia Fischer 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 Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Lidia (Farago) 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 power of attorney holder's name 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.

Account 5023672

The Bank's records indicate that the Account Owner was Ernst Fischer, who resided in Vienna, Austria, and that the Power of Attorney Holder was L. Fischer. The Bank's records also indicate the Account Owner's street address and the Power of Attorney Holder's full name, street address, city and country of residence and the names of the Account Owner's and Power of Attorney Holder's spouses. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures, and the date on which the Account Owner granted the power of attorney.

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 Owner

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as his relative. Although the name of his mother matches the published first name initial and last 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 the Bank's records. Specifically, the Claimant stated that his mother's first name was Lidia. In contrast, the Bank's records show that the Power of Attorney Holder had a different first name. The CRT also notes that the Claimant did not identify the name of the Power of Attorney Holder's spouse. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's mother are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as his relative, 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 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
8 August 2006