

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]

**Claimed Account Owner: Eugen Fischer**

Claim Number: 701878/HS<sup>1,2</sup>

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by the Claimant’s relative, Eugen Fischer (the “Claimed Account Owner”).

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 an Initial Questionnaire (“IQ”) stating that his father, Eugen Fischer, who was Jewish, was born in 1896, and resided in Bratislava, Czechoslovakia (today Slovakia) before the Second World War. The Claimant also stated that his father owned a large hardware business named *Adolf Fischer & Son*, which was expropriated by the Nazis in approximately 1939 or 1940. The Claimant indicated that in 1944, his father was deported to a concentration camp, where he perished.

The Claimant further stated that he recalled his father speaking of money that he held in Switzerland, which might be used if the family was able to emigrate from Bratislava.

### **The CRT’s Investigation**

The CRT matched the name of Eugen Fischer to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to

---

<sup>1</sup> Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an Initial Questionnaire (“IQ”), numbered ENG-0033-051, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 701878.

<sup>2</sup> The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

individuals or over which individuals held power of attorney whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

## **The CRT's Analysis**

### Identification of the Account Owner/Power of Attorney Holder

The list below contains names of account owners/power of attorney holders that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner/power of attorney holder are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

*Name: Eugen Fischer (power of attorney holder)*

*Account Identification Number: 5026577*

*Specifically, the account records indicate that Eugen Fischer held power of attorney over an account that was owned by another person, who was not related to the power of attorney holder. The records also indicate that there was an additional power of attorney holder. Neither the account owner nor the other power of attorney holder was identified by the Claimant. 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 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.*

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT has reviewed this claim carefully and analyzed matches to account owners/power of attorney holders with alternative spellings of Arthur Hoffman's last name, which include Hofmann, and has determined that these accounts did not belong to the Claimed Account Owners.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
30 August 2010