

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Max Fischer

Claimed Account Owner: Hinda Fischer¹

Claim Number: 217921/SB

This Certified Denial is to the claim of Max Fischer (the “Claimant”) to the Swiss bank account of Hilda Fischer as published on the February 2001 published list of accounts determined by Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) and potentially owned by the Claimant’s mother, Hinda Fischer (the “Claimed Account Owner”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a claim form in 2001, following the publication of the account owner’s name, stating that his mother, Hinda Fischer was Jewish and resided in Austria and Belgium. The Claimant further stated that it is possible that his mother opened an account under the name Hilda Fischer, or that the bank misspelled her name. In support of his claim, the Claimant provided a copy of his birth certificate which identifies his mother as Hinda Fischer. The CRT also notes that in 1999, the Claimant’s brother, Adolf Fischer, submitted an Initial Questionnaire to the Court in which he repeatedly referred to his mother as Hinda Fischer.

The CRT’s Investigation

The CRT matched the name of Hinda Fischer to the names of all account owners in the Account History Database and identified accounts belonging to individuals 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

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

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.

Information Available Concerning the Account Owner

The CRT has located one account where an account owner's name matches the name, or alternative name, of the Claimant's mother, Hinda Fischer. The list below contains details of the type of information held about an account owner. The account is identified by its Account Identification Number, which is a number assigned to an account for tracking purposes.

Account 4022079

The records indicate that the account owner was Hilda Fischer. The records do not indicate the account owner's domicile, or any other information about the account owner.

The CRT's Analysis

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the account owner as his relative. Although the Claimant claimed the published name of an account owner, the Claimant was unable to establish any link between himself and the name of the account owner. The CRT notes that the Claimant did not provide any supporting evidence to show that his mother had the name of Hilda, and did not provide any explanation as to why his mother, whom is identified as Hinda Fischer in the Claimant's birth certificate, would open a bank account under the name of Hilda Fischer. The CRT also notes that there is nothing in the records to indicate that the account owner's name was incorrectly recorded by the bank.

The CRT notes that in such cases where the records contain only the account owner's published name, determining the identity of the account owner is especially difficult. In determining if a claimant has correctly identified the account owner, the CRT considers whether a claimant can show that their relative had the same name as the account owner. Birth and death registers often contain such information, and, in addition to the documents submitted by claimants, the CRT regularly consults archival sources in the attempt to locate such documents that would substantiate such claims.

The CRT also considers whether a claimant identified the claimed account owner's name as a family member prior to its publication as an account owner name. For example, if a claimant identified a person with the same name as the account owner in an Initial Questionnaire filed with the Court in 1999, prior to the publication of the ICEP List, it is clear that a claimant based their claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family

relationship that was known to them before the publication of the ICEP List. This supports the credibility of the information provided by that claimant.

The CRT also regularly searches a database containing the names of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Entries in this database corresponding to a claimant's relative and made prior to the publication of the account owner's name can also bolster the plausibility of a claimant's identification of the account owner, because they show that a claimant's relative was identified by that name prior to the publication of the account owner's name.

Absent special circumstances, the identification of a name on the published list of account owners, without some evidence showing that a relative had the same name as the published account owner, is insufficient to support a finding that a claimant's claim is plausible, and the claim must be denied.

In this case, the Claimant was unable to provide any documentary evidence to show that his mother had the first name Hilda. Further, no evidence exists to show that this name was identified by the Claimant, or his brother Adolf Fischer, as the name of his relative prior to the publication of account owner names. Accordingly, the CRT concludes that the Claimant has not identified the account owner as his relative.

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.

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 CRT now considers the Claimant's claim to the accounts of Hinda Fischer closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 March 2008