

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

Claimed Account Owner: Otto Fischer and *Erwin Fischer Schuhfabrik*¹

Claim Number: 501691/RT

This Certified Denial is to the claim of [REDACTED] (the “Claimant”) to Swiss bank account potentially owned by the Claimant’s relative, Otto Fischer and the company Erwin Fischer Schuhfabrik (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 a claim stating that Otto Fischer, who was Jewish, was an office clerk who resided in Vienna, Austria, between 1914 and 1933 and in Hodonin, Czechoslovakia (now the Czech Republic) between 1933 and 1942. The Claimant stated that Otto Fischer may have held power of attorney over an account held by the company *Erwin Fischer Schuhfabrik*. The Claimant did not indicate any academic or professional title held by his relative. The Claimant stated that the information he provided with his claim regarding Otto Fischer was taken from a Page of Testimony submitted to the Yad Vashem memorial, and that he did not know and was not related to the person who submitted the information in the Page of Testimony. The Claimant did not provide any documentation regarding Otto Fischer or any further information or documentation regarding Erwin Fischer or the company *Erwin Fischer Schuhfabrik*.

The CRT’s Investigation

The CRT matched the name of Otto Fischer and *Erwin Fischer Schuhfabrik* 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 Owners. 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

¹ 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.

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 Owners. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owners.

The CRT's Analysis

Identification of the Account Owners

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

Name: Otto Fischer

Account Identification Number: 1000892

Specifically, the Claimant stated that his relative, Otto Fischer, resided in Austria and Czechoslovakia. The Claimant did not provide any documentation regarding Otto Fischer. The CRT determines that in this case, the information and evidence the Claimant submitted in support of his claim did not plausibly demonstrate that the Claimant's relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimant identified an exact spelling of the account owner's name; whether the Claimant was able to provide documentation linking his surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether the Claimant identified the account owner's name prior to its publication; and/or whether the fate of the Claimant's relative is consistent with the disposition of the claimed account. The CRT notes that, according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), a claim to the CRT is inadmissible if, among other reasons, the claim is based essentially on a statement that the Claimant or his or her relative and the account owner have the same or similar last name, or the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the account owner. In this case, the Claimant either has based his/her claim to this account essentially on the fact that his/her relative and the account owner have the same or similar last name, or has not provided sufficient information or documentation regarding his/her relationship to the account owner, including documentation linking the Claimant's name to that of the account owner. The CRT has deemed this claim admissible to ensure that no Class Member with a Deposited Assets claim is precluded by technical procedural requirements from having his or her claim fairly adjudicated. However, based upon the information provided, the CRT is unable to conclude that the Claimant has identified the account owner as his/her relative.

Name: Otto Fischer

Account Identification Number: 1001168

Specifically, the Claimant stated that his relative, Otto Fischer, resided in Austria and Czechoslovakia. The Claimant did not provide any documentation regarding Otto Fischer. The

CRT determines that in this case, the information and evidence the Claimant submitted in support of his claim did not plausibly demonstrate that the Claimant's relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimant identified an exact spelling of the account owner's name; whether the Claimant was able to provide documentation linking his surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether the Claimant identified the account owner's name prior to its publication; and/or whether the fate of the Claimant's relative is consistent with the disposition of the claimed account. The CRT notes that, according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), a claim to the CRT is inadmissible if, among other reasons, the claim is based essentially on a statement that the Claimant or his or her relative and the account owner have the same or similar last name, or the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the account owner. In this case, the Claimant either has based his/her claim to this account essentially on the fact that his/her relative and the account owner have the same or similar last name, or has not provided sufficient information or documentation regarding his/her relationship to the account owner, including documentation linking the Claimant's name to that of the account owner. The CRT has deemed this claim admissible to ensure that no Class Member with a Deposited Assets claim is precluded by technical procedural requirements from having his or her claim fairly adjudicated. However, based upon the information provided, the CRT is unable to conclude that the Claimant has identified the account owner as his/her relative.

Name: Otto Fischer

Account Identification Number: 4021455

Specifically, the Claimant stated that his relative, Otto Fischer, resided in Austria and Czechoslovakia. The Claimant did not provide any documentation regarding Otto Fischer. The CRT determines that in this case, the information and evidence the Claimant submitted in support of his claim did not plausibly demonstrate that the Claimant's relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimant identified an exact spelling of the account owner's name; whether the Claimant was able to provide documentation linking his surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether the Claimant identified the account owner's name prior to its publication; and/or whether the fate of the Claimant's relative is consistent with the disposition of the claimed account. The CRT notes that, according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), a claim to the CRT is inadmissible if, among other reasons, the claim is based essentially on a statement that the Claimant or his or her relative and the account owner have the same or similar last name, or the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the account owner. In this case, the Claimant either has based his/her claim to this account essentially on the fact that his/her relative and the account owner have the same or similar last name, or has not provided sufficient information or documentation regarding his/her relationship to the account owner, including documentation linking the Claimant's name to that of the account owner. The CRT has deemed this claim admissible to ensure that no Class Member with a Deposited Assets claim is precluded by technical procedural requirements from

having his or her claim fairly adjudicated. However, based upon the information provided, the CRT is unable to conclude that the Claimant has identified the account owner as his/her relative.

Name: Otto Fischer (Germany)

Account Identification Numbers: 1012754; 1012755; 1012756

Specifically, the Claimant stated that his relative, Otto Fischer, was an office clerk who resided in Austria and Czechoslovakia. The Claimant did not indicate any academic or professional title held by his relative. In contrast, the records show that the account owner held such a title, which is inconsistent with the Claimant's relative's profession as an office clerk. The records further show that the account owner resided in Germany.

Name: Otto Fischer (Stuttgart, Germany)

Account Identification Numbers: 4019602; 4019603

Specifically, the Claimant stated that his relative, Otto Fischer resided in Austria and Czechoslovakia. In contrast, the records show that the account owner resided in Germany.

Name: Otto Emil Fischer (Beuthen, Germany)

Account Identification Numbers: 5026868; 5033265

Specifically, the Claimant stated that his relative, Otto Fischer, resided in Austria and Czechoslovakia. In contrast, the records show that the account owner resided in Germany. The Claimant also did not identify the account owner's middle name.

Name: Erwin Fischer Schuhfabrik (Szemice, Czechoslovakia); Otto Fischer (power of attorney holder)

Account Identification Number: 5025672

Specifically, the Claimant stated that his relative, Otto Fischer, resided in Hodonin, and may have held power of attorney holder over an account held under the name of Erwin Fischer Schuhfabrik. The CRT determines that in this case, the information and evidence the Claimant submitted in support of his claim did not plausibly demonstrate that the Claimant's relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimant identified an exact spelling of the account owner's name; whether the Claimant was able to provide documentation linking his surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether the Claimant identified the account owner's name prior to its publication; and/or whether the fate of the Claimant's relative is consistent with the disposition of the claimed account. The CRT notes that, according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), a claim to the CRT is inadmissible if, among other reasons, the claim is based essentially on a statement that the Claimant or his or her relative and the account owner have the same or similar last name, or the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the account owner. In this case, the Claimant either has based his/her claim to this account essentially on the fact that his/her relative and the account owner have the same or similar last name, or has not provided sufficient information or documentation regarding his/her relationship to the account owner, including documentation linking the Claimant's name to that of the account owner. The CRT has deemed this claim admissible to ensure that no Class Member with a Deposited Assets claim is precluded by technical procedural requirements from

having his or her claim fairly adjudicated. However, based upon the information provided, the CRT is unable to conclude that the Claimant has identified the account owner as his/her relative.

The Claimant should note that all awards 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 Otto Fischer and Erwin Fischer Scuhfabrik closed. Please note that this decision applies only to the Claim Number and Claimed Account Owners 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
12 February 2010