

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Vally Fischer

Claim Number: 400992/SB^{1, 2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Vally (Valerie) Fischer.³ This Denial is to the published account of Vally Fischer (the “Account Owner”) 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 in 2005 asserting that his paternal aunt, Valerie Fischer, who was born on 13 August 1888 in Kyjov (today the Czech Republic) owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, was a businesswoman who never married and who resided in Brunn, Czechoslovakia (today the Czech Republic) until her death on 21 July 1935. The Claimant further stated that although his aunt died in 1935, several of her close family members perished in the Holocaust. The Claimant indicated that he was born on 7 April 1925 in Brunn.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 201573 and 210905. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 201573.

² The Claimant submitted four additional claims, which are registered under the Claim Numbers 201573, 400985, 400987 and 401000. In a separate decisions, the CRT awarded the accounts of Viktor Fischer to the Claimant and treated the Claimant’s claim to the account of Victor Fischer. See *In re Accounts of Viktor Fischer* (approved on 20 November 2002) and *In re Account of Victor Fischer* (approved on 8 August 2006). The CRT will treat the remaining claims in separate determinations.

³ The CRT did not locate an account belonging to Valerie 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, Valerie 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 owner's name matches that provided by the Claimant. The 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 5029427

The Bank's records indicate that the Account Owner was Vally Fischer. The Bank's records also indicate the Account Owner's maiden name, city and country of residence and the name of her spouse and joint account owner. Finally, the Bank's records contain the Account Owner's and the joint account owner's signatures.

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 Account Owner as his relative. Although the name of his aunt matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his aunt never married and that therefore her maiden name was Fischer. In contrast, the Bank's records show that the Account Owner was married and had a different maiden name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt are the same person.

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.

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
19 March 2007