

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

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

Claim Number: 215696/MG²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Lazar (Laizar) Fischer-Seitel. 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”).³

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 her father, Lazar Fischer-Seitel, who was born in 1903 in Czechoslovakia, and married [REDACTED] in 1922 in Rachov, Czechoslovakia (today, Ukraine), owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Velky Bochov, Czechoslovakia (today, the Czech Republic), where he owned a wholesale and retail store. The Claimant further stated that her father was deported to a labor camp in Hungary in 1943 and later murdered by the Nazis. The Claimant indicated that she was born on 12 April 1922 in Rachov.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Lazar Fischer-Seitel.

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 her 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 215696.

³ The CRT did not locate an account belonging to Lazar (Laizar) Fischer-Seitel 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 her relative, Lazar Fischer-Seitel. 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. 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 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, relationship to the Power of Attorney Holder, and the date on which the Account Owner granted the power of attorney. Furthermore, the Bank's records indicate the Power of Attorney Holder's full name, gender, street address, city and country of residence. Finally, the Bank's records contain the signatures of the Account Owner and the Power of Attorney Holder.

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 her relative. Although the first name and a portion of her father's hyphenated last name matches the published first 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 is claiming the account of her father. In contrast, the Bank's records show that the Power of Attorney Holder was female. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

In addition, the CRT notes that the Claimant did not identify the Account Owner as her 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 her 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 her 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
9 November 2006