

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Orit Decker

**in re Account of Robert Fleischner  
and  
Accounts of R. Fleischner**

Claim Number: 501422/SB<sup>1</sup>

This Certified Denial is based on the claims of Orit Decker, née Bar-Eshet, (the “Claimant”) to the account of Robert (Bobi) Fleischner.<sup>2</sup> This Denial is to the published account of Robert Fleischner (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of R. Fleischner (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

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 asserting that her father’s cousin’s husband, Robert Fleischner, who was Jewish, and was married to Lilly Eisenberg on 11 April 1939 in Czechoslovakia, owned a Swiss bank account. According to the Claimant her relative resided in Prague, today the Czech Republic and perished in Theresienstadt. The Claimant indicated that she was born on 15 September 1953 in Haifa, Israel.

The Claimant submitted documents in support of her claim, including a page of testimony from the Yad Vashem database submitted by Robert Fleischner’s spouse, which indicates that Robert Fleischner resided in Czechoslovakia and that his profession was a clerk.

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<sup>1</sup> The Claimant submitted seven additional claims, which are registered under the Claim Numbers 501375, 501381, 501383, 501391, 501401, 501405 and 501416. The CRT will treat these claims in separate determinations.

<sup>2</sup> The CRT did not locate an account belonging to Bobi Fleischner 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, Robert Fleischner. 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 three accounts whose owners' names, or initial and last name, match that provided by the Claimant. Each 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 1009742

Bank 1's records indicate that Account Owner 1 was Robert Fleischner, who resided in Austria. Bank 1's records also indicate Account Owner 1's city of residence and title. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

### Accounts 5026818 and 5033178

Bank 2's records indicate that Account Owner 2 was R. Fleischner, who resided in Berlin, Germany, and that Emil Fleischner and Zahn Fleischner held power of attorney over the accounts at issue. Bank 2's records also indicate Account Owner 2's street address and gender.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank 2 to obtain additional information about these accounts ("Voluntary Assistance"). Bank 2 provided the CRT with additional documents. These documents indicate the date on which the power of attorney was granted, the name of Account Owner 2's spouse and contain Account Owner 2's signature.

## **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 Owners

As for Account 1009742, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her relative matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her relative resided in Czechoslovakia. In contrast, Bank 1's records show that Account Owner 1 resided in a city in Austria, which the Claimant did not identify. Moreover, the CRT notes that the Claimant submitted a document indicating that her relative's profession was a clerk and did not indicate that her relative had any professional or

advanced academic titles, whereas Bank 1's records indicate that Account Owner 1 had such a title. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Accounts 5026818 and 5033178, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her relative matches the published first name initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her relative was male. In contrast, Bank 2's records show that Account Owner 2 was female. Consequently, the CRT concludes that Account Owner 2 and the Claimant's relative are not the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

### 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  
12 May 2006