

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Petr Javorsky

in re Account Karl Fröhlich

Claim Number: 222713/MG¹

This Certified Denial is based on the claim of Petr Javorsky (formerly Petr Fröhlich) (the “Claimant”) to the published account of Karl Fröhlich (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 his paternal uncle, Karl Fröhlich, who was born on 15 May 1898 in Ostrava, Czechoslovakia, owned a Swiss bank. In correspondence with the CRT, the Claimant stated that his uncle studied in and lived in Vienna, Austria for a period of time, and that he does not know whether his uncle was married. The Claimant stated that his uncle, who was Jewish and had Czech nationality, perished in 1942 in the Maly Trostinec concentration camp. The Claimant indicated that he was born on 11 May 1936 in Prague, Czechoslovakia.

The Claimant submitted documents in support of his application, including: (1) a copy of a letter from the Prague State Central Archives, identifying Karl Fröhlich as the son of Simon Fröhlich; and (2) the Claimant’s father’s death certificate.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the

¹ The Claimant submitted an additional claim to the accounts of Robert Fröhlich, which is registered under the Claim Number 222712. The CRT will treat the claim to these accounts in a separate decision.

assets of Karl Fröhlich numbered 27498. These records indicate Karl Fröhlich's date of birth, his private and business street addresses, his profession and his wife's name.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Karl Fröhlich. 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 5024458

The Bank's records indicate that the Account Owner was Karl Fröhlich, who resided in Vienna, Austria, and that the Power of Attorney Holder was Marianne Fröhlich. The Bank's records also indicate the Account Owner's street address and the name of his wife. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signature samples.

The CRT notes that the Account Owner's street address and his wife's name as contained in the Bank's records are identical to the street address and the wife's name of Karl Fröhlich as indicated in the Austrian State Archives records, and therefore concludes that they are the same person.

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 uncle 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 and in the Austrian State Archive records. Specifically, the Claimant stated that his uncle was born on 15 May 1898. In contrast, the Austrian State Archive records show that the Account Owner was born many years before that date. Moreover, the Claimant did not provide any documentation demonstrating a connection to Vienna nor did she provide a street address. In addition, the Claimant did not identify the Power of Attorney Holder, although she had the same last name as the Account Owner. Consequently,

the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 that 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 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
28 September 2004