

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Nicha Fuchs

in re Account of Ludwig Fuchs¹
and
Account of Else Fuchs
(Power of Attorney Holder Ludwig Fuchs)²

Claim Number: 003288/MG; 715857/MG³

This Certified Denial is based on the claims of Nicha Fuchs, née Kyzler, (the “Claimant”) to an account of Ludwig Mark Fuchs.⁴ This Denial is to the published account of Ludwig Fuchs (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Else Fuchs (“Account Owner 2”), over which Ludwig Fuchs (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).⁵

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 brother-in-law, Ludwig Mark Fuchs, who was born in 1905 in Radvany, Austro-Hungary (today part of Banska Bystrica, Slovakia), and was married to Maria Fuchs, née Hartstein, in 1931 or 1932 in Czechoslovakia, owned a

¹ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Ludwig Fuchs is indicated as having the additional name, Rasser. Upon careful review of the Bank’s records, the CRT has concluded that Rasser was not part of Ludwig Fuchs’ name.

² 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.

³ The Claimant submitted an Initial Questionnaire, numbered HEB-0133-008, with the Court in 1999, which has been assigned the Claim Number 715857.

⁴ The CRT did not locate an account belonging to Ludwig Mark Fuchs 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”).

⁵ In this claim, the Claimant also claimed the accounts of Erwin Fuchs. In a separated decision, the CRT awarded these accounts to the Claimant. See *In re Accounts of Erwin Fuchs* (approved on 25 October 2004).

Swiss bank account. The Claimant stated that her brother-in-law, who was Jewish, worked as a senior manager in a company named *Drach*. According to the Claimant her brother-in-law resided in Ungvar, Hungary (which was part of Czechoslovakia until 1939 and today is known as Uzhgorod, Ukraine). The Claimant further stated that her brother-in-law was deported to a slave labor camp in Russia, where he died in 1943. The Claimant indicated that she was born on 23 February 1923 in Hungary.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ludwig Mark Fuchs.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ludwig Mark Fuchs. 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 two accounts whose owner's or power of attorney holder's names 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 1001486

Bank 1's records indicate that Account Owner 1 was Ludwig Fuchs, who resided in France. Bank 1's records also indicate the names of the persons who held power of attorney over the account at issue and who appear to be closely related to Account Owner 1. Furthermore, Bank 1's records indicate the date on which the power of attorney form was signed. Finally, Bank 1's records contain the signatures of Account Owner 1 and the power of attorney holders.

Account 5024390

Bank 2's records indicate that Account Owner 2 was Else Fuchs, who resided in Vienna, Austria, and that the Power of Attorney Holder was Ludwig Fuchs. Bank 2's records also indicate Account Owner 2's street address, and the Power of Attorney Holder's street address, city and country of residence. Furthermore, Bank 2's records indicate the date on which the power of attorney form was signed. Finally, Bank 2's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claims are 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 1001486, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her brother-in-law matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her brother-in-law resided in Ungvar, Hungary. In contrast, Bank 1's records show that Account Owner 1 resided in France, which was not identified by the Claimant as a place where her relative resided. In addition, the CRT notes that the Claimant did not identify the names of the power of attorney holders, even though they appear to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Account 5024390, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her brother-in-law matches the published 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 Bank 2's records. Specifically, the Claimant stated that her brother-in-law resided in Ungvar, Hungary. In contrast, Bank 2's records show that the Power of Attorney Holder resided in a different country, which was not identified by the Claimant as a place where her relative resided. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's relative 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 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 form 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
14 December 2005