

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3]
and [REDACTED 4]

**in re Accounts of Marie Fuchs
and
Accounts of Maria Fuchs (AKA Marie Fuchs)¹**

Claim Number: 718807/MG²

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to an account of Mary (or Margit) Fuchs (or Rottner). This Denial is to the published accounts of two individuals named Marie Fuchs (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and the [REDACTED] (“Bank 2”) and to the published accounts of Maria Fuchs (also known as Marie Fuchs) (“Account Owner 3”) at the [REDACTED] (“Bank 3”).^{3,4}

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.

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”), there are seven accounts under the names of either Maria Fuchs or Marie Fuchs. Upon careful review, the CRT has concluded that the banks’ records evidence the existence of eight accounts under the above-mentioned names.

² Claimant Avraham Fuchs did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted an Initial Questionnaire, numbered HEB-0207093, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 718807. Claimant Avraham Fuchs also submitted six additional Initial Questionnaires, numbered: HEB-0122002, HEB-0207092, HEB-0207094, HEB-0207095, HEB-0207096 and HEB-0207097, which have been assigned claim numbers 715464, 718806, 718808, 718809, 718810 and 718811, respectively. The CRT will treat the additional claims in separate determinations.

³ The CRT did not locate an account belonging to Mary (or Margit) Fuchs (or Rottner) in the Account History Database prepared pursuant to the 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”).

⁴ In this claim, the Claimant also claimed the account of Salomon (or Shalom) Fuchs. The CRT will treat the claim to this account in a separate determination.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire, asserting that his sister, Mary Fuchs, who was born on 24 September 1918, owned a Swiss bank account. The Claimant stated that his sister, who was Jewish, resided in a region in Hungary which today is part of Ukraine. According to the Claimant, his sister perished during the Holocaust. The Claimant indicated that he was born on 28 February 1925.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Mary 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 eight accounts whose owners' 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 1001358

Bank 1's records indicate that Account Owner 1 was *Frau* Marie Fuchs, who resided in Germany.

Account 1001487

Bank 2's records indicate that Account Owner 2 was Marie Fuchs. Bank 2's records also indicate Account Owner 2's nationality.

Accounts 4019483, 4019484, 4019485, 4019501, 4019535 and 4019536

Bank 3's records indicate that Account Owner 3 was *Frl.* Marie Fuchs (also known as *Frl.* Maria Fuchs), who resided in Germany. Bank 3's records also indicate another city and country of residence for Account Owner 3. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank 3 to obtain additional information about these accounts ("Voluntary Assistance"). Bank 3 provided the CRT with additional documents. These documents consist of bank internal correspondence and indicate Account Owner 3's nationality and date of death.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Account 1001358, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his sister 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 his sister resided in a region in Hungary which today is part of Ukraine. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's sister are the same person.

As for Account 1001487, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his sister matches the published 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 his sister resided in a region in Hungary which today is part of Ukraine. In contrast, Bank 2's records show that Account Owner 2 was a citizen of a country which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's sister are the same person.

As for Accounts 4019483, 4019484, 4019485, 4019501, 4019535 and 4019536, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his sister matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that his sister resided in a region in Hungary which today is part of Ukraine. In contrast, Bank 3's records show that Account Owner 3 resided in Germany and in another country, which the Claimant did not identify. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's sister are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant claimants, who plausibly identified Account Owner 3 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
23 March 2007