

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Geza Gelleri

Claim Numbers: 752353/MBC; 770949/MBC^{1,2,3}

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Geza Gelleri (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 an Initial Questionnaire (“IQ”) to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, identifying the Account Owner as her father, Geza Gelleri, who was born on 26 November 1885 in Budapest, Hungary, and was married to [REDACTED], on 30 December 1917 in Budapest. According to the Claimant, her parents had two children: the Claimant and her brother, [REDACTED], who is deceased. The Claimant stated that her father, who was Jewish,⁴ resided at Honvéd utca 22 in Budapest, and that he and his brother,

¹ Zsuzsanna Dear (the “Claimant”) submitted two additional claims, which are registered under the Claim Numbers 752354 and 752355. The CRT will treat these claims in separate determinations.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0035-073, to the Court in the United States. Although this IQ 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 IQ was forwarded to the CRT and has been assigned claim number 770949.

³ In 1998, the Claimant submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-B-31-197-114-913, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 752353.

⁴ The CRT notes that in a telephone conversation with the CRT on 28 May 2004, the Claimant stated that her parents converted to Christianity in 1938.

[REDACTED], jointly owned *G. Gelleri Bankház*, a bank located at Nador utca 26 in Budapest. The Claimant added that this bank had a branch at Wipplingerstrasse 9 in Vienna, Austria. The Claimant stated that the Vienna branch of her father's bank was closed in 1938 after the incorporation of Austria into the Reich (the "*Anschluss*").

According to the Claimant, before Germany invaded Hungary in 1944, her father and uncle transferred money to *Arbitrium AG*, a bank or *Finanzgesellschaft* (finance company) located in Zug, Switzerland, which was owned by Richard Kronstein, a friend of the Claimant's father. The Claimant stated that her father was deported to a work camp in October 1944, where he was a slave laborer for the "*Todt*" Organization. The Claimant indicated that her father died in 1950 in Budapest.

The Claimant stated that in 1949, she traveled to Switzerland and visited Richard Kronstein to inquire about her family's accounts. According to the Claimant, Richard Kronstein advised her to keep her family's money with him, and he made regular payments to her and her mother until his death in approximately 1970. The Claimant stated that she believed that this account at *Arbitrium* contained approximately 15,000.00 United States Dollars ("US \$"). The Claimant indicated that she contacted a Swiss law firm to inquire about her accounts at *Arbitrium*, and submitted to the CRT a letter from *Arbitrium*, dated 6 May 1998, identifying an account, numbered 18, which had a balance of 347.20 Swiss Francs ("SF") in 1968, and indicating that this balance was paid out and the account closed in 1969.

In support of her claim, the Claimant submitted documents, including her parents' marriage certificate, identifying her father as Gerzson Gelléri, who was Jewish, and indicating that he resided in Budapest; and the Claimant's baptism certificate, identifying [REDACTED] and her father as Géza Gerzson Gelléri, and that they resided in Budapest. The Claimant indicated that she was born on 30 May 1925 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of a list of numbered accounts. According to these records, the Account Owner was Geza Gelleri, who resided in Budapest, Hungary. The Bank's records indicate that the Account Owner held a numbered account, numbered 62064, the type of which is not indicated. The Bank's records indicate that this account was opened in September 1938. The Bank's records further indicate that the account was closed in April 1939 because it did not contain any assets ("*nichts da*").

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of her claim, the Claimant submitted documents, including the Claimant's baptism certificate, identifying her father as Géza Gerzson Gelléri of Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was born Jewish, and that he was deported to a work camp in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's baptism certificate, identifying her father as Géza Gerzson Gelléri. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed in April 1939. The CRT notes that this date is over a year prior to 20 November 1940, which is the date on which Hungary became a signatory to the Tripartite Treaty, pursuant to which it became a member of the Axis alliance. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

Basis for the Denial to the Claimed Accounts at *Arbitrium AG*

With respect to the account, numbered 18, held at *Arbitrium AG*, the CRT notes that the document referring to this account does not indicate the name of the owner of this account, does

not indicate that this account was open during the Relevant Period. In the absence of this evidence, the CRT concludes that it does not have the authority to treat the claim to this account. The CRT notes, however, that the document submitted by the Claimant indicates that this account was paid to the Claimant and/or her family in 1969 and subsequently closed.

With respect to the claimed account belonging to the Claimant's father at *Arbitrium AG*, the CRT has determined that the evidence submitted by the Claimant with respect to this account is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. While the CRT has previously awarded accounts to Claimants that were not included in the Account History Database, the Account Dossiers, and the Total Accounts Database, the evidence submitted by these Claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank. While the CRT bears in mind the difficulties of submitting a claim after the destruction of the Second World War, it has determined in this case, because the testimony provided by the Claimant does not fall into any of the categories discussed above, it is insufficient to support the existence of a bank account. Accordingly, the CRT is unable to make an award to the Claimant based upon this evidence. Moreover, the CRT notes that the Claimant claimed an account at an institution that was not a party to the Holocaust Victim Assets Litigation Class Action Settlement Agreement, and that the CRT would not have the authority to treat the claim even if it had determined that the Claimant's evidence supported the existence of a bank account.

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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
23 April 2007