

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of J. Goldberg
and
Account of Carl Krüger
and
Account of Karl Krüger**

Claim Number: 601664/AK^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED] (the “Claimant”), to the accounts of Jenny Ursela Ruben, née Goldberg (or Bartuleit), and to the accounts of Karl Otto Goldberg (also known as Karl Otto Krüger and Erick Alfonz Rubenstein or Ruben).³ This Denial is to the published account of J. Goldberg (“Account Owner 1”) at the [REDACTED] (“Bank 1”), the published account of Carl Krüger (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and the published account of Karl Krüger (“Account Owner 3”) held at an unknown bank (“Bank 3”).

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 owners, and the banks are redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her aunt, Jenny Ursela Ruben, née Goldberg, who was born on 3 May 1898 owned a Swiss bank account. The Claimant stated that her aunt, who was Jewish, resided in Königsberg, Eastern Prussia (today Kaliningrad, Russia), and that she was brought up by her aunt from the age of three weeks. The Claimant further stated that after *Kristallnacht* (the “Night of Broken

¹ The Claimant submitted a claim, numbered B-01653, on 15 January 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601664.

² The Claimant also submitted an Initial Questionnaire with the Court in 1999, and three ATAG Ernst & Young claim forms in 1998. The CRT is treating the Initial Questionnaire and the ATAG Ernst & Young claim forms under the consolidated Claim Number 601664.

³ The CRT will treat the claims to these accounts in separate determinations.

Glass”) in 1938, her aunt sent her to Grodno, Lithuania (now Belarus) in order to hide her, and that she has not heard from her aunt since. The Claimant indicated that in 1936, her aunt took her to Bern, Switzerland and showed the Claimant her safe deposit box. According to the Claimant, her aunt may have used the surname Bartuleit in order to make the deposit. The Claimant indicated that she did not know the ultimate fate of her aunt under the Nazi Regime.

According to the Claimant, her uncle, Karl Otto Krüger, who was Jewish, was born Karl Otto Goldberg in 1856 in Memel, Eastern Prussia (today Klaipeda, Lithuania). The Claimant stated that Karl Otto Goldberg (Krüger) lived in Königsberg and that he owned a large ranch in Prussia and a diamond mine in Africa. The Claimant explained that he changed his name after the Nazis came to power to avoid persecution. The Claimant stated that her uncle might have opened the account under the name Erick Alfonz Rubenstein (Ruben). The Claimant stated that her uncle was not married in 1938, that he was liberated near Berlin, Germany in 1945, and that she does not know when or where he died. The Claimant indicated that she was born on 4 June 1925 in Wilkerwischken, Lithuania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Jenny Ursela Ruben, née Goldberg. The Claimant submitted another Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Karl Otto Goldberg (Karl Otto Krüger).

The Claimant submitted documents in support of her application, including her own birth certificate.

Information Available in the Banks’ Records

The CRT notes that the Claimant submitted claims to accounts belonging to her relatives, Jenny Ursela Ruben, née Goldberg and Karl Otto Goldberg (Krüger). 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 owners’ names match to those provided by the Claimant. The CRT also notes that these auditors did not report an account belonging to Karl Krüger during their investigation. The documents evidencing an account belonging to Karl Krüger were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the "1962 Survey").

Account 1011225

Bank 1’s records indicate that Account Owner 1 was J. Goldberg, who resided in France. Bank 1’s records also indicate Account Owner 1’s city of residence and the dates of closing of the account at issue.

Account 5024104

Bank 2's records indicate that Account Owner 2 was Carl Krüger, who resided in Milan, Italy, and that the Power of Attorney Holder was Ernesta Orenge-Krüger. Bank 2's records also indicate Account Owner 2's profession, his relationship to the Power of Attorney Holder, and 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.

Account 6001805

Bank 3's records indicate that Account Owner 3 was Karl Krüger. Bank 3's records also indicate Account Owner 3's city and country of residence.

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 1011225, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her aunt 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 aunt resided in Prussia. In contrast, Bank 1's records show that Account Owner 1 resided in France. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt are the same person.

As for Account 5024104, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her uncle resided in Prussia. In contrast, Bank 2's records show that Account Owner 2 resided in Italy. Moreover, the Claimant stated that her uncle owned a large ranch in Prussia and a diamond mine in Africa. In contrast, Bank 2's records indicate that Account Owner 2 had a different occupation and was married in a different decade. The CRT also notes that the Claimant did not identify the Power of Attorney Holder. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person.

As for Account 6001805, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her uncle matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the

Claimant stated that her uncle resided in Königsberg, Eastern Prussia (today Kaliningrad, Russia). In contrast, Bank 3's records show that Account Owner 3 resided in a different city, over 800 kilometers away from Königsberg, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 3 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 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 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 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