

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Paul Galambos

in re Accounts of Bernhard Goldstein

Claim Number: 213911/RS¹

This Certified Denial is based on the claim of Paul Galambos (the “Claimant”) to the published accounts of Bernhard Goldstein 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 father’s uncle, Bernhard Goldstein, who was Jewish, and who resided in Austria, but had either German or Austrian citizenship, owned a Swiss bank account. The Claimant did not provide further details regarding the life of his relative.

The CRT further notes that the Claimant provides no documentary proof of any family member residing in Austria prior to or during the Second World War, whereas the Claimant does provide numerous documents which show that his family resided in Hungary. Further, in his Initial Questionnaire (“IQ”), submitted to the Court in 1999, and his ATAG Ernst & Young claim form, submitted in 1998, the Claimant repeatedly stated that his family resided in Hungary and did not indicate that the family had any connection to Austria prior to or during the Second World War.

The Claimant indicated that he was born on 4 May 1947 in Mosonmagyaróvár, Hungary.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative Bernhard Goldstein, who resided in Austria, and who held German or Austrian citizenship. The

¹ The Claimant submitted twelve additional claims, which are registered under the Claim Numbers 213835, 213836, 213837, 213838, 213839, 213910, 213912, 214028, 214029, 214037, 214038, and 214039. The CRT will treat these claims in separate determinations. The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant submitted other claims.

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 four accounts whose owners’ names match those provided by the Claimant.

Accounts 1009897 and 1009898

The Bank’s records indicate that the account owner was Bernhard Goldstein, and also indicate the city in which he resided in Germany.

Accounts 1010443 and 1010444

The Bank’s records indicate that the account owner was Bernhard Goldstein, and that he resided in Austria.

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

The CRT concludes that the Claimant has not identified the account owner as his relative. Specifically, the Claimant claimed the published accounts of Bernhard Goldstein, who resided in Austria; however, the Claimant was unable to establish any link between his family and Austria in the period prior to and during the Second World War. The CRT notes that the Claimant did not provide any supporting evidence to show that he had family residing in Austria prior to or during the Second World War, and in his IQ and ATAG Ernst & Young claim form, consistently indicated that his family resided in Hungary.

In determining if a Claimant has identified a published account owner as their relative, but where there is an absence of any documentary evidence to establish any connection with a published country of residence, the CRT considers whether a claimant identified the claimed account owner’s country of residence prior to its publication on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). For example, if a claimant identified family members as having resided in the same country as the account owner in an IQ, or ATAG Ernst & Young claim form, it is clear that a claimant based their claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. This supports the credibility of the information provided by that claimant.

The CRT also regularly searches a database containing the names of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem

Memorial of Israel. Entries in this database corresponding to a claimant's relative and made prior to the publication of the account owner's name can also bolster the plausibility of a claimant's identification of the account owner, because they show that a claimant's relative was identified by that name prior to the publication of the account owner's name.

Absent special circumstances, the identification of a name and country of residence on the ICEP List, without some evidence showing that the claimant's family did reside in the published country of residence, is insufficient to support a finding that a claimant's claim is plausible, and the claim must be denied.

In this case, the Claimant was unable to provide any documentary evidence to show that he had a family member residing in Austria or Germany prior to or during the Second World War. Further, no evidence exists to show that prior to the publication of the ICEP List, the Claimant identified Austria or Germany as place of residence of his family prior to or during the Second World War. Accordingly, the CRT concludes that the Claimant has not identified the account owner as his relative.

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 CRT now considers the Claimant's claim to the accounts of Bernhard Goldstein closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
24 May 2009