

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Paul Galambos

**in re Accounts of Henriette Goldstein,  
Account of Henriette Goldstein, *Erben*,  
and Account of Samuel Goldstein**

Claim Numbers: 213836/RS, 213839/RS, 214029/RS<sup>1,2</sup>

This Certified Denial is based on the claims of Paul Galambos (the “Claimant”) to the published accounts of Henriette Goldstein at the [REDACTED] (the “Bank”); to the published account of Henriette Goldstein, *Erben*, at the Bank; and to the published account of Samuel Goldstein at 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 Claim Forms asserting that he had two relatives names Henriette Goldstein, both of whom owned Swiss bank accounts, and that he had another relative named Samuel Goldstein who also owned a Swiss bank account. He indicated, first, that his father’s uncle Willy Goldstein had a daughter named Henriette Goldstein, who was Jewish, who resided in Germany, and who owned a Swiss bank account. He also indicated that his father’s uncle Samuel Goldstein married a woman named Henriette Goldstein, who was Jewish, and who resided with her husband in Frankfurt am Main, Germany; he further indicated that both Samuel Goldstein and his wife Henriette Goldstein owned individual Swiss bank accounts. In addition, the Claimant indicated in both his claim form and in a telephone conversation with the CRT that Samuel Goldstein’s wife’s maiden name was “Erben.” The Claimant did not provide further details regarding the lives of any of these relatives.

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<sup>1</sup> The Claimant submitted ten additional claims, which are registered under the Claim Numbers 213835, 213837, 213838, 213910, 213911, 213912, 214028, 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.

<sup>2</sup> According to Article 37 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 three claims of the Claimant in one proceeding.

The CRT further notes that the Claimant provides no documentary proof of any family member residing in Germany, 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 any connection to Germany.

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 claims to an account belonging to two different relatives, both of whom were named Henriette Goldstein, and both of whom resided in Germany, and a claim to an account belonging to his relative Samuel Goldstein, who also resided in Germany. 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 four accounts whose owners’ names match those provided by the Claimant.

#### Account 1000338

The Bank’s records indicate that the account owners were the Heirs (*Erben*) of Mr. Samuel Goldstein and Mrs. Henriette Goldstein (*Erben von Herrn und Frau Samuel Goldstein, AKA Henriette Goldstein*), who resided in Frankfurt am Main, Germany.

#### Accounts 1000549, 1009908, and 1009909

The Bank’s records indicate that the account owners were Samuel Goldstein and *Frau* (Mrs.) Henriette Goldstein, both of whom resided in Frankfurt am Main.<sup>3</sup> The Bank’s records also indicate that the individuals named Samuel Goldstein and Henriette Goldstein who owned these accounts were the same individuals named Samuel Goldstein and Henriette Goldstein whose heirs owned Account 1000338.

### **The CRT’s Analysis**

#### Admissibility of the Claims

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”).

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<sup>3</sup> The CRT notes that 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”), the names Henriette Goldstein, *Erben*; Henriette Goldstein; and Samuel Goldstein are published. Upon careful review, the CRT concludes that the Bank’s records indicate the existence of four accounts, one owned by the heirs (*Erben*) of Henriette and Samuel Goldstein, and three owned by Henriette and Samuel Goldstein of Frankfurt am Main, Germany. The Bank’s records also indicate that the individuals named Henriette and Samuel Goldstein referenced in all four accounts are the same people.

### Identification of the Account Owners

The CRT concludes that the Claimant has not identified the account owners as his relatives. Specifically, the Claimant claimed the published accounts of two different relatives named Henriette Goldstein and the published account of Samuel Goldstein, all three of whom resided in Germany; however, the Claimant was unable to establish any link between himself and Germany. The CRT notes that the Claimant did not provide any supporting evidence to show that he had family residing in Germany, and in his IQ and ATAG Ernst & Young claim form, consistently indicated that his family resided in Hungary. Moreover, as indicated above, the Bank's records indicate that only one individual named Henriette Goldstein owned Accounts 1000549, 1009908, and 1009909, and that that same individual's heirs also owned Account 1000338.

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 Germany. Further, no evidence exists to show that Germany was identified by the Claimant as place of residence of his family prior to the publication of the ICEP List. Accordingly, the CRT concludes that the Claimant has not identified the account owners as his relatives.

### 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 claims to the accounts of Henriette Goldstein and Samuel Goldstein closed. Please note that this decision applies only to the Claim Numbers and Claimed Account Owners 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 Numbers 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