

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

in re Account of Efim Griliches and Chaja Griliches

Claim Numbers: 217784/BW; 217785/BW

This Certified Denial is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Efim Griliches (“Account Owner Efim Griliches”) and Chaja Griliches (“Account Owner Chaja Griliches”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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.

The November 2001 Award

On 12 November 2001, the Court approved an Award to claimant [REDACTED 2] (“Claimant [REDACTED 2]”) for an account held by the Account Owners at the Bank (the “November 2001 Award”). In the November 2001 Award, the CRT determined that the Account Owners owned one custody account at the Bank. The CRT further determined that Claimant [REDACTED 2] plausibly identified the Account Owners as his grandparents, that his grandparents were Victims of Nazi Persecution, and that it was plausible that the Account Owners did not receive the proceeds of the claimed account. The CRT noted that the Bank’s records did not indicate the value of the account, and therefore presumed that its value was 13,000.00 Swiss Francs (“SF”). The resulting November 2001 Award amount was SF 149,500.00. Finally, the CRT noted that Claimant [REDACTED 2] and the parties he represented, namely his sister, [REDACTED], and his cousins, [REDACTED] and [REDACTED], as the grandchildren of the Account Owners, were each entitled to a one-fourth share of the total award amount. The November 2001 Award did not address Claimant [REDACTED 1]’s entitlement to the account of the Account Owners. This decision addresses Claimant [REDACTED 1]’s entitlement to that account.

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”), Efim Griliches is indicated as owning an account, and Mrs. Chaja Griliches is indicated as owning an account as well. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account, which was jointly held by Efim Griliches and *Frau* (Mrs.) Chaja Griliches.

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms identifying Account Owner Efim Griliches as his maternal uncle, Efim Griliches, and Account Owner Chaja Griliches as his maternal uncle's wife, Chaja Griliches, who resided in Kaunas, Lithuania. Claimant [REDACTED 1] further indicated that his uncle had a sister, [REDACTED], who emigrated from Kaunas to Romania in 1934 and married [REDACTED], with whom she had one child, namely Claimant [REDACTED 1].

Claimant [REDACTED 1] indicated that he was born on 19 October 1936 in Galatz, Romania.

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 Claimant [REDACTED 1] in one proceeding.

Claimant [REDACTED 1]'s Relationship to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owners by submitting specific biographical information, demonstrating that the Account Owners were his uncle and aunt. The information provided by Claimant [REDACTED 1] is consistent with the information provided by Claimant [REDACTED 2]. The CRT therefore concludes that both Claimant [REDACTED 1] and Claimant [REDACTED 2] are related to the Account Owners.

Claimant [REDACTED 1]'s Entitlement to the November 2001 Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation.

The CRT notes that Claimant [REDACTED 2] and the parties he represents are the grandchildren of the Account Owners, and that Claimant [REDACTED 1] is the nephew of the Account Owners. Claimant [REDACTED 2], and the parties he represents, as the direct descendants of the Account Owners, are more entitled to the account than Claimant [REDACTED 1], who is a descendant of the parents of Account Owner Efim Griliches.

Accordingly, Claimant [REDACTED 2] and the parties he represents are each entitled to one-quarter of the total award amount; Claimant [REDACTED 1] is not entitled to any portion of the total award amount.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, Claimant [REDACTED 1] 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. Claimant [REDACTED 1] should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

Claimant [REDACTED 1] 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010