

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Regina Dina Sheres

**in re Accounts of Aron Gruber and *Sch. & A. Gruber***

Claim Number: 212438/NB

This Certified Denial is based on the claim of Regina Dina Sheres, née Gruber, (the “Claimant”) to the unpublished accounts of Aron Gruber (“Account Owner Aron Gruber”) at the Zurich and Lucerne branches of the [REDACTED] (“Bank I”), and to the account of *Sch. & A. Gruber* (“Account Owner *Sch. & A. Gruber*”) at the [REDACTED] (“Bank II”) (together the “Banks”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying Account Owner Aron Gruber as her father, Aron Gruber, who was born on 26 February 1888 in Lwow (Lviv), Poland (now the Ukraine), and identifying Account Owner *Sch. & A. Gruber* as *Shaje & Aron Gruber Import Export Co*, a company which was owned by Aron Gruber and his brother, Shaje Gruber, and which was located at Świętej-Anny, in Lviv. The Claimant stated that her father, who was Jewish, was married to Amalia Malka Gruber, née Hochner, with whom he had three children: the Claimant, Klara Debora Gruber, and Emanuel Gruber, who all resided in Lviv.

According to the Claimant, her father, who frequently traveled to Zurich and Lucerne in Switzerland for business purposes, owned various accounts, including one account held at the Zurich Branch of Bank I, which had a balance of 2,200.00 Swiss Francs (“SF”) in April 1947, and a safe deposit box held at the Lucerne branch of Bank I. In addition, the Claimant indicated that her father’s company also owned an account at Bank II. In two emails to the CRT, dated 23 and 25 August 2003, the Claimant’s son, Mark Sheres, explained that these three accounts were included in a list, given by the Claimant’s father to her during the Second World War, which also identified nine other bank accounts, for a total of 12 accounts held in Switzerland, England and Poland; that list, according to the Claimant, was eventually confiscated by the *Gestapo*.

In two emails to the CRT, dated 25 and 26 August 2003, the Claimant’s son stated that the contents of the safe deposit box at Bank I, as well as the deposit account proceeds held at the

Zurich branch of Bank I, had been paid to his mother by the Bank.<sup>1</sup>

The Claimant stated that Aron Gruber was shot by the *Gestapo* in Lviv in 1943, and that her two siblings also perished during the Holocaust.

In support of her claim, the Claimant submitted documents, including a copy of: 1) an affidavit, dated 12 December 1946, filed with the Austrian Government in Vienna, stating that her uncle, who was the co-owner of the *Sch. & A. Gruber* company in Lwow, Poland was shot by the *Gestapo*, that Schaje Gruber's brother, Aron Gruber, was deceased, and that Regina Dina Sheres, née Gruber, who was Aron Gruber's daughter, was the only surviving heir; and 2) a declaration from the Vienna Court of Appeal, dated 4 September 1947, indicating that Aron Gruber died on or before 15 January 1943.

In support of her claim, the Claimant also submitted documents relating to the existence of accounts held at the Banks, which are described in more detail below.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Aron Gruber. The Claimant supplemented her IQ with a letter dated 24 February 2000, sent by an accountant by the name of Edward B. Wolkove to *Poorman Douglas*, in relation to the Claimant's submission of her IQ, in which the author indicated that Aron Gruber owned a safe deposit box held in a Swiss bank and several other Swiss bank accounts, and that the contents of the safe deposit box, as well as two of the several bank accounts held by Aron Gruber, had already been recovered by the Claimant.

The Claimant indicated that she was born on 17 April 1924 in Lviv.

### **Information Available in the Banks' Records**

The CRT notes that the auditors who carried out the investigation of the Banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to Aron Gruber or *Sch. & A. Gruber* during their investigation of the Banks.

#### Bank I

The documents purporting to evidence accounts held at Bank I were forwarded by the Claimant to the CRT. These records consist of:

- 1) a postcard, dated 12 June 1936, sent by Aron Gruber to a person named Mr. E. Weiller in Zurich, requesting that the latter make payments to Aron Gruber's demand deposit account (*Privat Conto*) held at the Zurich branch of Bank I;
- 2) a receipt, dated 15 February 1937, issued by Bank I's vault department

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<sup>1</sup> The exact wording of the email from the Claimant's son was: "the swiss francs were turned over to my mom... less some sort of commission paid to the lawyer" and "in reference to the safe found in 1947....it was opened [sic] all contents recovers [sic]...some gold coins and documents etc...".

- (*Stahlkammer*), which indicates that Aron Gruber from Lemberg,<sup>2</sup> paid the annual fee of SF 33.00 imposed on his safe deposit box numbered 1314 for the twelve-month period from May 1937 to May 1938;
- 3) a letter dated 19 April 1947, from the Claimant's attorney based in Zurich, Dr. E. Michael Meyer, informing Miss Regina Gruber that he managed to locate a demand deposit account at the Zurich branch of Bank I, which held SF 2,200.00; as well as a safe deposit box held at the Lucerne branch of Bank I, the contents of which were unknown; and
  - 4) a handwritten power of attorney form, found in the opened safe deposit box, which indicates that Aron Gruber initially gave power of attorney over an account of unknown type to his wife Malie Gruber and brother Shaje Gruber on 16 February 1937, prior to crossing out Shaje Gruber's name on 7 February 1939.

These documents indicate that in April 1947, Aron Gruber still held one demand deposit account at the Zurich branch of Bank I, with a balance of SF 2,200.00 as of 1947, and one safe deposit box numbered 1314 at the Lucerne branch of Bank I.

## Bank II

The document purporting to evidence the existence of an account at Bank II was forwarded by the Claimant to the CRT. This record consists of a letter dated 5 August 1954, sent by a person named Mr. S. Czajkowski to the Claimant, which indicates that the former had paid the sum of SF 17,680.01 in nine separate payments to an account at Bank II belonging to *Sch. & A. Gruber*, from Lviv. The author of the letter also indicated that he was sending Regina Dina Sheres copies of receipts from the nine payments referenced in the letter (which the Claimant did not submit to the CRT along with the letter), and that he wished her good luck in recovering this amount from Bank II.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified Account Owner Aron Gruber. The Claimant's father's name, city and country of residence match the unpublished name, city and country of residence of Account Owner Aron Gruber contained in Bank I's records.

In support of her claim, the Claimant submitted documents, including a declaration from the Vienna Court of Appeal, providing independent verification that the person who is claimed to be Account Owner Aron Gruber had the same name recorded in Bank I's records as the name of Account Owner Aron Gruber.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Aron Gruber, and indicates that he was born in 1891 in Lviv, Poland,

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<sup>2</sup> The CRT notes that Lemberg is the German name for Lviv, the Ukraine.

that he was married to Amalia, that his place of residence before the war was Chrzanowska 17, and that he was shot while in the Lviv ghetto. This information matches the information about Account Owner Aron Gruber provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

#### Status of Account Owner Aron Gruber as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Aron Gruber was a Victim of Nazi Persecution. The Claimant stated that Account Owner Aron Gruber was Jewish, that he lived in Nazi-occupied Poland, and that he was murdered by the Gestapo in 1943.

As noted above, a person named Aron Gruber was included in the CRT's database of victims.

#### The Claimant's Relationship to Account Owner Aron Gruber

The Claimant has plausibly demonstrated that she is related to Account Owner Aron Gruber by submitting specific information and documents, demonstrating that Account Owner Aron Gruber was the Claimant's father. These documents include the Claimant's affidavit, dated 12 December 1946, filed in Vienna, Austria, which indicates that Regina Dina Sheres, née Gruber, was Aron Gruber's daughter.

There is no information to indicate that Account Owner Aron Gruber has other surviving heirs.

#### The Issue of Who Received the Proceeds of the Accounts Held at Bank I

The CRT notes that, in two emails to the CRT dated 25 and 26 August 2003, the Claimant's son stated that the safe deposit box at Bank I, which was located by the Claimant's lawyer in 1947, contained gold coins and documents and that the Claimant collected these items. In those emails, the Claimant's son also stated that the proceeds of the demand deposit account at Bank I identified in the letter dated 19 April 1947 were returned to the Claimant, less a commission paid to the lawyer who had located the demand deposit account at issue.

The CRT further notes that in the letter dated 24 February 2000 from accountant Edward B. Wolkove regarding the submission of the Claimant's IQ, Edward B. Wolkove wrote that the proceeds of the Account Owner's safe deposit box, as well as two of the several Swiss bank accounts owned by Account Owner Aron Gruber, had been recovered.

Therefore, the CRT concludes that Account Owner Aron Gruber received the proceeds of the two claimed accounts held at Bank I.

#### Basis for the Denial to the Accounts Held by Account Owner *Sch. & A. Gruber* at Bank II

With regard to the accounts belonging to Account Owner *Sch. & A. Gruber* at Bank II, the CRT notes that the Claimant submitted a letter written by a person named Mr. S. Czajkowski to the

Claimant on 5 August 1954, which referenced payments made into Account Owner *Sch. & A. Gruber*'s accounts at Bank II.

According to Article 17 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT shall use 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 when the ICEP Investigation failed to locate an account belonging to their relative (an account 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 proving a claim after the destructive events of the Second World War, it has determined in this case that the letter provided by the Claimant, which was not supplemented by actual bank documents, is insufficient to support the existence of a Holocaust-era bank account held at Bank II. The letter submitted by the Claimant is not illustrative of the type and kind of evidence discussed above, as it does not demonstrate the existence of accounts that were open during the Relevant Period, which is defined by Article 46(2) of the Rules as the period from 1 January 1933 to 31 December 1945. Specifically, the letter only states that, as of 1954, payments were made into accounts held by Account Owner *Sch. & A. Gruber* at Bank II. Because this document does not demonstrate that the accounts existed during the Relevant Period, the CRT lacks jurisdiction to make any determination as to their ultimate disposition. The CRT does note, however, that the letter demonstrates that Account Owner *Sch. & A. Gruber*'s accounts at Bank II were active after the War, that payments had been made into them in 1954, and that the owner of *Sch. & A. Gruber* had been informed of the activity on the accounts. There is therefore no indication that Account Owner *Sch. & A. Gruber* was not able to access these accounts at that time. For all these reasons, no award is appropriate for these accounts.

#### 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.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
3 June 2009