

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]¹

Claimed Account Owner: David Grünberg²

Claim Number: 206321/BW

This Certified Denial is to the claim of [REDACTED], née [REDACTED], (the “Claimant”) to Swiss bank accounts potentially owned by Rubin Herscovici, Davila Grimberg and David Grünberg. The CRT did not locate an account belonging to Rubin Herscovici or Davila Grimberg in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

This Certified Denial is to a Swiss Bank account published on the list of account owners in 2001, and potentially owned by a friend of the Claimant’s grandfather, David Grünberg (the “Claimed Account Owner”).

All denials are published, but 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 in 2001, which indicated that David Grünberg resided in Bucharest, Romania, and was a friend of the Claimant’s maternal grandfather. The Claimant stated that her maternal grandfather, [REDACTED], gave sums of money to David Grünberg to be deposited in David Grünberg’s Swiss bank account. The Claimant indicated that David Grünberg died in Romania in 1947 or 1948. The Claimant did not provide any further information or documentation regarding David Grünberg.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank account potentially owned by her maternal grandfather’s friend, Davila Grimberg, from Bucharest, Romania, who held part of the account

¹ The CRT was informed that Silvia Elias (the “Claimant”) passed away on 15 May 2004.

² The Claimant should note that this determination relates only to the Claim Numbers and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

for the benefit of her maternal grandfather, [REDACTED]. The Claimant indicated that Davila Grimberg died in Romania in 1947 or 1948.

The CRT's Investigation

The CRT matched the name of David Grünberg to the names of all account owners and power of attorney holders in the Account History Database and identified accounts belonging to individuals or over which individuals held power of attorney, whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

The CRT's Analysis

Identification of the Account Owner/Power of Attorney Holder

The list below contains names of account owners/power of attorney holders that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner/power of attorney holder are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: David Grünberg [Bucharest, Romania] (account owner)

Account Identification Number: 4020012

Specifically, in 1999 the Claimant filed an IQ identifying her grandfather's friend as Davila Grimberg. Following the publication of the account owner's name and city and country of residence in 2001, the Claimant stated that the name of her grandfather's friend was David Grünberg, who resided in Bucharest, Romania. This information is inconsistent with the information provided by the Claimant prior to publication. The CRT further notes that the Claimant was not able to provide any details about the account Owner. The CRT also notes that this account was awarded to other, unrelated claimants, who plausibly identified the account owner as their relative.

The CRT also notes that the Claimant stated that she was not related to the Claimed Account Owner, but rather that the Claimed Account Owner was a friend of the Claimant's grandfather. The Bank's records do not indicate that the account was opened on behalf or for the benefit of any other person but the account owner. Therefore, even if the Claimant had identified the account owner, in the absence of a family relationship between the Claimant and the account owner, or a will or testamentary document indicating that the Claimant is a beneficiary of the account owner, the Claimant would not be entitled to the claimed account.

The Claimant should note that all accounts awarded by the CRT are published upon release at the CRT's website at www.crt-ii.org.

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. The Claimant 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
30 August 2010