

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Adv. Roland Roth

**Claimed Account Owners: Max Grünfeld, Paul Grünfeld, Ernst Grünfeld,
Hermann Grünfeld, Paulina Katz, Asher Katz, and Moshe Katz**

Claim Numbers: 711111/HB/MC; 402043/HB/MC

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by Max Grünfeld, Paul Grünfeld, Ernst Grünfeld, Hermann Grünfeld, Paulina Katz, Asher Katz and Moshe Katz. The CRT did not locate accounts belonging to Ernst Grünfeld, Hermann Grünfeld, Paulina Katz, née Grünfeld, Asher Katz or Moshe Katz 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 Swiss bank accounts published on the list of account owners in 2005 (the “2005 List”) and potentially owned by the Claimant’s relatives, Max Grünfeld, and Paul Grünfeld (the “Claimed Account Owners”).

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.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) to the Court in 1999 and a claim form to the CRT in 2005. In his IQ, the Claimant claimed accounts belonging to his paternal grandfather, Ascher Katz, his father, [REDACTED], and his paternal uncle (his father’s brother), Moshe Katz. In his IQ, the Claimant stated that his father’s family was from Poland.

In his 2005 claim form, the Claimant claimed the published accounts of Max Grünfeld and Paul Grünfeld. According to the Claimant, Max and Paul Grünfeld were cousins and the children of two of his mother’s paternal uncles. The Claimant stated that his mother, Paulina Katz, née Grünfeld, was the daughter of [REDACTED] and [REDACTED], was born in Romania in 1920, and married his father, [REDACTED] in 1951 or 1952. After her death on 11 March 1985, his father married his mother’s sister, [REDACTED], née [REDACTED], formerly [REDACTED].

According to the Claimant, his mother's father, [REDACTED], had six brothers, none of whom he was able to name, and two of whom were the fathers of Paul and Max Grünfeld. The Claimant stated that Max Grünfeld, who was Jewish, was born in either Focșani, Romania, or Vienna, Austria, was married to a woman named [REDACTED], and owned businesses in Vienna; Budapest, Hungary; Prague, Czechoslovakia (now the Czech Republic); Bucharest, Romania; and Germany. The Claimant stated that Paul Grünfeld was also Jewish and had businesses in Budapest, Germany, Austria, and Romania. The Claimant did not indicate where Max and Paul Grünfeld resided from 1933 to 1945, but he did consistently indicate that his maternal family originated and resided in Romania, where his mother was born.

According to the Claimant, Max and Paul Grünfeld, together with their cousins, were a wealthy and close family, and that in 1937, they gathered in Vienna, Focșani, and Prague to celebrate the fact that they had become millionaires, having managed to accumulate a million United States dollars ("US \$") in cash, which they then deposited in a Swiss bank. The Claimant submitted affidavits, dated in 2005, from persons whose mothers were befriended with the Claimant's mother, in which they each recounted this story. The Claimant stated specifically that Max and Paul Grünfeld, together with other family members, opened several bank accounts, including two accounts numbered 20100 and 20500, as well as accounts under other numbers, at the Zurich branch of the [REDACTED] ("Bank I") in approximately 1937, and that they deposited an amount of one million US dollars. The Claimant also asserted that Max and Paul Grünfeld or other Grünfeld family members deposited an additional US \$450,000.00 at [REDACTED] ("Bank II").

The Claimant stated that both Max and Paul Grünfeld perished during the Holocaust.

In support of his claim, the Claimant submitted voluminous documents, including a letter, dated July 1998, to the Museum of the Jewish Diaspora in Israel. In that letter, the Claimant requested assistance to learn about the background and fate of the family of his mother, Paulina Katz, née Grünfeld. The Claimant stated that he did not have a lot of information about his mother's family, and that there was no one else left alive to provide additional information. According to this letter, the Claimant had learned from his mother and aunt that their cousins, whom he named as Paul, Max, [REDACTED], Ernst and [REDACTED], held several European passports and nationalities, including Romanian, Austrian, Czechoslovakian, British, German and Hungarian, but that he was not sure who held which nationality. In the letter, the Claimant stated that his relatives were wealthy and owned assets all over Europe, including Austria, Czechoslovakia, Hungary and Germany. The Claimant therefore asked the Museum to conduct research in all these countries, as well as in the English variant of the name, *i.e.*, Greenfield.

The Claimant also submitted an excerpt from a book entitled "*The Last Deposit*," which refers to deposits made in Swiss banks by Jacob Friedman and Joseph Blum.¹ According to this excerpt, the account opened by Joseph Blum was numbered 21300. The Claimant asserted that the cases described in the book were similar to his family's case.

¹ See Itamar Levin, *The Last Deposit*, Praeger: Westport, Connecticut and London, p. 90.

The Claimant also submitted a handwritten cake recipe in Romanian, which, he asserted, contains the family's Swiss bank account numbers in encrypted form. In an affidavit submitted with the cake recipe, the Claimant stated:

My Mother told me that the numbers of the accounts in the Swiss Bank were 20100 and 20500.

My late Mother, Paulina, explained to me that she wrote the two bank account numbers in a booklet, in such a way that no stranger could reveal the bank account numbers, which had five digits each.

My late Mother, Paulina, wrote the two Swiss bank account numbers in a recipe book, in which on page 9 she mentioned the 20500 account number, and on page 10 she mentioned the 20100 account number.

That noting was made in such a way that the two first digits of the account numbers appeared on one of the lower lines, while the last three digits appeared on a higher line, in her had [*sic*] writing in her recipe booklet.

...

I am mentioning that At [*sic*] the time of my late Mother's immigration from Romania to Israel, she was afraid that the Communist regime [*sic*] would find in her on her relative's possession [*sic*] details pointing out to those assets, documents that were illegal to remove from Romania. According to my opinion [*sic*], the reason for coding of the details of the bank accounts in the Recipe booklet is the fear of the Communist Regime [*sic*].

The Claimant stated that his mother emigrated to Israel in the early 1950s. The Claimant submitted copies of the pages of the recipe book. Those pages contain handwritten script in Romanian and consist of instructions to bake a cheesecake. The pages contain several numbers, consistent with measurements of ingredients. The numbers corresponding to the numbers described by the Claimant in his affidavit have been circled by the Claimant. The Claimant stated that the account numbers 20100 and 20500 are encrypted in the recipe. The CRT notes that the kitchen appliances mentioned in some of the recipes are relatively modern, including a refrigerator and an oven that bakes at 220 degrees Celsius.

The Claimant stated that, after the War, his mother attempted to access the account in Switzerland, but that she was unsuccessful. According to a letter submitted by the Claimant, dated 18 July 1966, his mother's attorney, Jacob Mehrez, provided [REDACTED] and Paulina Katz with a status update about his search for the Grünfeld's assets. In that letter, Mr. Mehrez stated that he had inquired with Bank I and Bank II regarding accounts held by Paulina and [REDACTED] that totalled one million US dollars. Mr. Mehrez's letter did not mention the recipe book.

In a document dated 24 June 2007 and submitted to the CRT, the Claimant's representative argued that the CRT has, in the past, made awards in similar cases in which no accounts held by

the account owners were located in the AHD, based upon documents submitted by claimants. In support of this assertion, the Claimant's representative submitted copies of three awards approved by the Court and available on the CRT's website: *In re Account of Adolf Groszmann Generalvertretung-Ausländischer Fabriken* (approved on 10 December 2004), *In re Account of Albert Bodenheim* (approved on 21 September 2005), and *In re Account of Karoline Sonnenfeld* (approved on 6 February 2004).

In another document submitted to the CRT, the Claimant's representative presented what he called "several Evidences and Presumptions to justify Awards in the accounts of Paul Grünfeld, Max Grünfeld and the accounts of Grünfeld family." In the document, the Claimant's representative argues that the handwritten notes plus the Claimant's affidavit testimony plus "expert opinion about dating of texts in the cookbock [sic]" equals "Possible Declaratory Judgements in Romania, Switzerland, Israel, USA, France, which will declare the text of the cookbock [sic] as a true one." The Claimant's representative also cites the "admission by the Banks of the conclusions of the ICEP Report = Implicit admission of massive destruction of evidence (by signing the settlement Agreement' and by payment,)" which leads to "Presumption in favour of claimant, when other side [Bank I] make massive destruction of evidence" and "Presumption of veracity of two memorandum [sic] of two deceased lawyers." The representative identifies the "Ancient document as a presumptive evidence, since in the ordinary course of things man had execute such a true note in a coobock [sic]" and cites "Special CRT Presumptions Relating to Claims," namely, "Presumption for people who make claims after the Shoa, and was not recognized by the bank," and "The owner or their heirs resided in a Communist Country (ROMANIA) after the war." In an accompanying document, the Claimant's representative cites "special circumstances that make it more than plausible that the late Grünfeld family was involved in deposits of 1 million US dollars (1937)," which include a "memorandum [sic] in a cookboock [sic] with mention of 1 million dollars and mention of accounts numbers: account 20100, account 20500,..." "testimony written by a letter dated 1/1985 by the office of attorney Jacob Mehrez," "testimony written by a letter dated 23.12.1985 by attorney Israel Rosenfeld," and "pictures of family meeting in 1937, with mention of 1 million us dollars." The CRT notes that the letter dated January 1985 is from Jacob Mehrez and is addressed to [REDACTED] and Paulina Katz. That letter refers to a meeting between them and Mr. Mehrez regarding the search for Swiss bank accounts. In that letter, Mr. Mehrez recommended that the Katz's photocopy the recipe book that references the five account numbers and safe deposit box for which they are searching, as well as family photographs and other evidence of the family's wealth. The letter dated 23 December 1985 is from Israel Rosenfeld to [REDACTED] and provides a status update of his search for Swiss bank accounts. In the letter, Mr. Rosenfeld explained that the searches that had been conducted since the 1950s at Bank I and Bank II were not successful. He also wrote that he hoped that the one million US dollar deposit made by Paulina, Max, Ernst, [REDACTED] and [REDACTED] Grünfeld at the Zurich branch of Bank I would one day be returned to the Katz family, the Grünfeld's rightful heirs.

The Claimant indicated that he was born on 28 June 1953 in Israel.

The CRT's Investigation

The CRT matched the names of Max Grünfeld and Paul Grünfeld to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owners. 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 Owners. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owners.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank I to obtain any information about the claimed bank accounts, based on information provided by the Claimant, including account owner names and historical account numbers. The Bank informed the CRT that no indication of an account was found based on the information provided by the Claimant.

Information Available Concerning the Account Owners

The CRT has located six accounts whose account owners' names match the names of the Claimant's relatives, Max Grünfeld and Paul Grünfeld.² The list below identifies the type of information about the accounts' owners contained in the bank records and the reasons why the CRT has concluded that the Claimed Account Owners and the account owners are not the same persons. If an account owner's place of residence was published, that place of residence is also listed. Each account is identified by its Account Identification Number, which is a number assigned to an account for tracking purposes.

Name: Max Grünfeld

Account Identification Number: 1009972 and 1009973

The records indicate that the account owner was Max Grünfeld. The records also indicate the account owner's country of residence and the opening and closing dates of the accounts.

Name: Paul Grünfeld

Account Identification Number: 1009974

² The CRT notes that the ICEP auditors reported ten accounts belonging to persons named Max and Paul Grünfeld, and 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"), Paul Grünfeld is indicated as having seven accounts. Upon careful review, the CRT has concluded that the bank's records evidence the existence of only three accounts held by this person, and that the total number of accounts held by persons named Max or Paul Grünfeld is therefore six. These six accounts are addressed in this decision.

The records indicate that the account owner was Paul Grünfeld. The records also indicate the account owner's country of residence and the opening and closing date of the account.

Name: Paul Grünfeld (Berlin, Germany)

Account Identification Number: 5026391, 5029184, and 5033833

The records indicate that the account owner was Paul Grünfeld. The records indicate the account owner's street address and city and country of residence. The records also contain the name of a contact person for the accounts, details about the content of the accounts and details about the fate of the account owner, including his date of death.

The CRT's Analysis

Identification of the Account Owners

Accounts 1009972 and 1009973

With regard to accounts 1009972 and 1009973, the CRT concludes that the Claimant has not identified the account owner as his relative, Max Grünfeld. Although the name of the Claimant's relative matches the published name of the account owner, the CRT notes that the information provided by the Claimant is inconsistent with the information about the account owner contained in the records. Specifically, the Claimant stated that his relative, Max Grünfeld was born in either Focșani, Romania, or Vienna, Austria, and that the Claimant's maternal relatives resided in Romania. In contrast, the records show that the account owner resided in a different country. The CRT also notes that the Claimant stated that his relatives gathered in 1937 to celebrate the fact that they had become millionaires, and that they had deposited their money in a Swiss bank account. In contrast, the bank's records indicate that the account was opened much later than 1937. Finally, the CRT notes that the CRT has identified another, unrelated claimant who has plausibly identified the account owner as her relative by identifying unpublished information about him, including his city and country of residence.

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

Account 1009974

With regard to account 1009974, the CRT concludes that the Claimant has not identified the account owner as his relative, Paul Grünfeld. Although the name of the Claimant's relative matches the published name of the account owner, the CRT notes that the information provided by the Claimant is inconsistent with the information about the account owner contained in the records. Specifically, the Claimant stated that his maternal relatives resided in Romania. In contrast, the records show that the account owner resided in a different country.

The CRT notes that the Claimant asserted that his maternal relatives held several different European passports and nationalities, including Romanian, Austrian, Czechoslovakian, British,

German and Hungarian. The CRT does not consider it plausible that members of the same family, whose parents are siblings, would hold so many different passports and nationalities at this time. In any case, the CRT notes that the owner of the account as issue here resided in a country not named by the Claimant.

Accounts 5026391, 5029184, and 5033833

With regard to accounts 5026391, 5029184, and 5033833, the CRT concludes that the Claimant has not identified the account owner as his relative, Paul Grünfeld. Although the name of the Claimant's relative matches the published name of the account owner, the CRT notes that the information provided by the Claimant is inconsistent with the information about the account owner contained in the records. Specifically, the Claimant stated that his maternal relatives resided in Romania. In contrast, the bank's records show that the account owner resided in Berlin, Germany. Further, the Claimant stated that his relative joined with his cousins in 1937 to celebrate the fact that they had become millionaires, and that they deposited their wealth in a Swiss bank at that time. In contrast, the bank's record indicates that the accounts were opened many years prior to 1937. Finally, the Claimant stated that his relative Paul Grünfeld perished in the Holocaust. In contrast, the records show that the account owner had a different fate and died prior to the Holocaust.

The CRT notes that the Claimant did not provide any supporting evidence to show where his maternal relatives resided or worked. The CRT takes into consideration the passage of time, alternative spellings of names, and the circumstances of the Holocaust. Thus, in the absence of documents that can show the Claimed Account Owners' place of residence, the CRT also considers whether a claimant identified the claimed account owner's name as a family member prior to its publication as an account owner name. For example, if a claimant identified a person with the same name as the account owner in an IQ filed with the Court in 1999, prior to the publication of the 2001 or 2005 Lists, it is clear that the claimant based his/her claim not simply on the fact that an individual identified on the published lists as owning a Swiss bank account bore the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the lists. It also indicates that a claimant had reason to believe that their relative owned a Swiss bank account prior to the publication of the lists. This supports the credibility of the information provided by that claimant. In this case, the Claimant did not identify the Claimed Account Owners' names in his IQ. In fact, in his IQ, the Claimant claimed accounts belonging to his father's family and did not assert that his mother or maternal family member owned Swiss bank accounts.

Evidence Submitted by the Claimant

With regard to the Claimant's assertion that the cake recipe he submitted provides evidence documenting the existence of a Holocaust-era Swiss bank account, the CRT concludes that the documents submitted do not provide sufficient evidence to justify an award.

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 cake recipe submitted by the Claimant is insufficient to support the existence of a bank account actionable by the CRT in the claims resolution process. The cake recipe submitted by the Claimant is not illustrative of the type and kind of evidence discussed above, as it offers no probative evidence of an identifiable existing or closed account relationship. As no documentary evidence has been presented which would indicate the existence of an account, the CRT is unable to make an award to the Claimant based upon the evidence presented.

With regard to the precedents submitted by the Claimant's representative, the CRT concludes that the cases cited are not similar to the Claimant's case. In each of the three cases cited by the Claimant's representative, the Court approved awards to accounts that were not included in the Account History Database, which, as noted above, was created by the ICEP auditors. The accounts were evidenced by other documents, two of which were provided by the claimants in those cases, and one which was obtained from the archival sources in Austria. These cases are illustrative of the types of documents that constitute sufficient evidence to justify an award.

In the case, *In re Account of Adolf Groszmann Generalvertretung-Ausländischer Fabriken* (approved on 10 December 2004), the Court approved an Award for an account of unknown type held by the company *Adolf Groszmann Gernalvertretung-Ausländischer Fabriken*. In that case, the claimant, who was the account owner's daughter, submitted a copy of letterhead that bore the name of her father's business, and listed banks which held accounts belonging to the company. That list included a bank in Zurich. The CRT concluded that this document demonstrated that the company, which was dissolved during the Nazi regime, held a Holocaust-era Swiss bank account. The document showed the names of the account owner and the bank and clearly showed that the account relationship existed during the period from 1933 to 1945, as the account owner – the company belonging to the Claimant's father – no longer existed after that time. Therefore, the document, clearly and with specificity, connected the named account owner with an account in a Swiss bank during the period from 1933 to 1945.

In the case, *In re Account of Albert Bodenheim* (approved on 21 September 2005), the Court approved an Award for a custody account held by Albert Bodenheim. In that case, the claimants, who were the account owner's grandchildren, submitted a list of securities compiled by the *Gestapo* and a suicide letter written by the account owner. In his suicide letter, Albert Bodenheim referred to a tax investigation apparently conducted by the Nazi authorities, stating, "the tax matter is not a significant matter, but the only one in my life that I did not handle as correctly as I should have. I did not fail to report the securities, approximately 44,000 M.

[Reichsmark (“RM”)], in order to pay less taxes, but out of fear. I did not have the courage anymore to report it. The foreign securities I sold, not as indicated at today’s investigation at Leu, but in Basel. My memory has suffered so much that I feared terrible things.” In concluding that the letter constituted sufficient evidence to justify and award, the CRT noted that the suicide letter indicated that the securities were held in Switzerland, that the letter was discovered by the *Gestapo* after the account owner’s suicide, and that the *Gestapo* continued its investigation of the foreign-held securities after the account owner’s death. The document clearly established that the account was held in Switzerland during the period from 1933 to 1945. It specified the name, number, and value of the various securities held by the account owner. Moreover, in admitting his failure to report the securities to Nazi authorities, the account owner made a statement against his own interest, which supports the statement’s veracity. Therefore, the document, clearly and with specificity, connected the named account owner with an account in a Swiss bank during the period from 1933 to 1945.

In the case, *In re Account of Karoline Sonnenfeld* (approved on 6 February 2004), the Court approved an Award for a safe deposit box held by Karoline Sonnenfeld. In that case, the claimant, who was the account owner’s granddaughter, submitted documents from the file compiled by Nazi authorities pursuant to a decree of 26 April 1938, by which the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). These records are available in the Austrian State Archive (Archive of the Republic, Finance). The 1938 Census records contained a newspaper article from the official Nazi party newspaper, *Völkischer Beobachter*, which reported that Nazi authorities had raided the account owner’s home, confiscated foreign securities there, and, upon further investigation, discovered that she held a safe deposit box in a Swiss bank containing 3,600.00 Pound Sterling. In determining that an award was appropriate, the CRT considered the fact that the account was reported in the official Nazi party newspaper, that the article referred to the account owner’s name and the name of the Swiss bank, and that the article identified the value of the account. Therefore, the document, clearly and with specificity, connected the named account owner with an account in a Swiss bank during the period from 1933 to 1945.

In contrast, in this case, the Claimant submitted a cake recipe and asserted that it contained the encrypted account numbers of Swiss bank accounts. The CRT notes that the recipe submitted by the Claimant refers to an oven capable of baking at 220 degrees Celsius and a refrigerator, two items that were not commonplace in 1950s Communist Romania. The Claimant also did not provide a plausible explanation as to how the account numbers were encrypted. Even if the CRT accepts the Claimant’s assertions about the date of the document and the text of the recipe, the document itself contains neither the name of the account owner, the name of the Swiss bank, nor any indication that the claimed account existed during the period from 1933 to 1945. The document also does not indicate the contents or value of the claimed account. In contrast to the cases cited above, the document submitted by the Claimant does not connect a named account owner with an account in a Swiss bank during the period from 1933 to 1945. Thus, the document does not provide sufficient evidence to justify an award.

The case here is more similar to other cases in which the documents submitted by claimants have been found insufficient to justify an award.³ For example, in *In re Account of Osias Rupp* (approved on 21 September 2005), the claimant provided a copy of a safe deposit box key with the notation “Zurich” on the key. The CRT noted that the claimant’s representative contacted the manufacturer of the key, and that the manufacturer forwarded this information to three major banks in Zurich. These banks could not find any evidence of an account belonging to the account owner. Without addressing the authenticity of the key provided by the claimant in that case, the CRT determined that the evidence submitted was insufficient to justify an award. As in the case at issue here, the key in that case did not connect a named account owner with an account in a Swiss bank during the period from 1933 to 1945.

In another similar case, *In re Account of Willy Glaser* (approved on 21 September 2005), the claimant submitted several receipts from the period of February 1937 to May 1937. These receipts indicated that several traveler checks, letter of credit (*chèques de voyage, lettre de credit*) were remitted for payment to the Lausanne branches of two Swiss banks. These traveler checks, letter of credit did not refer to accounts at the banks, nor did they contain the name of the claimant’s relative. These banks could not find any evidence of an account belonging to the account owner. Without addressing the authenticity of the receipts provided by the claimant in that case, the CRT determined that the evidence submitted was insufficient to justify an award. As in the case at issue here, the receipts in that case did not connect a named account owner with an account in a Swiss bank during the period from 1933 to 1945.

Use of Presumptions

The CRT notes that the Claimant’s representative asserted that “Special CRT Presumptions Relating to Claims,” namely, “Presumption for people who make claims after the Shoa, and was not recognized by the bank,” and “The owner or their heirs resided in a Communist Country (ROMANIA) after the war,” should require the CRT to make an award in this case. The presumptions cited by the Claimant’s representative are included as Article 28 (e) and (i), respectively, in the CRT’s Rules. However, the presumptions cited by the Claimant’s representative and included in the Rules apply to accounts included in the AHD that were categorized by the ICEP auditors as “closed unknown by whom.” Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not account owners or their heirs received the proceeds of their Swiss bank accounts. The presumptions, however, are not a factor in determining whether or not documents submitted by a claimant are sufficient to show the existence of a Swiss bank account not reported by the ICEP auditors.

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.

³ See *In re Account of Moses Fleischmann* (approved on 30 December 2004); *In re Account of Rudolf Frank* (approved on 21 September 2005); *In re Account of Willy Glaser* (approved on 21 September 2005); *In re Account of Osias Rupp* (approved on 21 September 2005); and *In re Account of Wilhelm Schönfeld* (approved on 30 September 2005).

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 Max Grünfeld, Paul Grünfeld, Ernst Grünfeld, Hermann Grünfeld, Paulina Grünfeld, Asher Katz and Moshe Katz 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
15 November 2007