

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Fred Gunsberger

**Claimed Account Owners: Eugen Günsberger, Emilia Günsberger, Marianne Roth and Wilhelm Roth<sup>1</sup>**

Claim Number: 216702/RT

This determination is based on the claim of Fred Gunsberger (the “Claimant”) to Swiss bank account potentially owned by Eugen Günsberger, Emilia Günsberger, Marianne Roth and Wilhelm Roth. The CRT did not locate an account belonging to Eugen (Jenö) Günsberger, Emilia Günsberger and Marianne Roth 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 potentially owned by Wilhelm (Vilmos) Roth (Piros) (the “Claimed Account Owner”).

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 a claim stating that Wilhelm Roth was a business partner of his father, Eugen Günsberger. The Claimant further stated that his father instructed Wilhelm Roth, who resided in Zurich, Switzerland, to open an account in his (Eugen Günsberger’s ) name or in Wilhelm Roth’s name for the benefit of Eugen Günsberger.

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<sup>1</sup> 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 may have submitted other claims.

## **The CRT's Investigation**

The CRT matched the name of Wilhelm Roth 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 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

The list below contains names of account owners 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 are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

*Name: Wilhelm Roth (Germany)*

*Account Identification Numbers: 1010959; 1010960*

*Specifically, the Claimant stated that Wilhelm Roth resided in Switzerland. In contrast, the records show that the account owner resided in Germany.*

*Name: Wilhelm Roth (Galatz, Romania)*

*Account Identification Number: 5025033*

*Specifically, the Claimant stated that Wilhelm Roth resided in Switzerland. In contrast, the records show that the account owner resided in Romania.*

*Name: William Roth*

*Account Identification Number: 5035190*

*Specifically, the Claimant stated that his father's business partner in Switzerland was Wilhelm Roth, who opened a Swiss bank account on behalf or to the benefit of the Claimant's father. In contrast, the records show that the account owner spelled his first name William. The CRT also notes that the records do not indicate that the account was opened under an alias or for the benefit of a third person. The CRT further notes that the account was awarded to another claimant, who submitted documents demonstrating that his relative had the same name and same name spelling of the account owner.*

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](http://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. 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 claim to the accounts of Eugen Günsberger, Emilia Günsberger, Marianne Roth and Wilhelm Roth closed. Please note that this decision applies only to the Claim Number 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 Number 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  
23 June 2008