

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Account of Johanna Gutmann**

Claim Number: 210537/AH<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Johanna Gutmann and the accounts of [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The CRT did not locate an account belonging to [REDACTED], [REDACTED], [REDACTED] or [REDACTED] 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 Denial is to the published account of Johanna Gutmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 a Claim Form asserting that her maternal grandmother, Johanna Gutmann, née Abramovits, who was born on 16 June 1871 in Hungary, owned a Swiss bank account. The Claimant indicated that her grandmother was married to [REDACTED] on 11 September 1894 in Michalovce, Hungary (now part of Slovakia) and had two daughters and a son. The Claimant stated that her grandmother, who was Jewish, resided in Frankfurt am Main, Germany from 1918 to 1938, when she fled to Czernowitz, Romania (now part of the Ukraine). The Claimant stated that a Swiss bank account may have been opened for her grandmother either by her grandmother’s husband, by her son [REDACTED], or by her son-in-law, the Claimant’s father, [REDACTED]. The Claimant stated that her grandmother fled Romania for the United States in 1941, where she remained until her death on 8 April 1950. The Claimant indicated that she was born on 6 September 1937 in Czernowitz.

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<sup>1</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 210537.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to Swiss bank accounts owned by [REDACTED], [REDACTED], and [REDACTED].

The Claimant submitted documents in support of her application, including a copy of a proposed decision issued by the Foreign Claims Settlement Commission of the United States issued to the Claimant's mother, [REDACTED], indicating that her mother was Johanna Gutmann.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Johanna Gutmann. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 4019880

The Bank's records indicate that the Account Owner was Johanna Gutmann, who resided in Frankfurt am Main. The Bank's records also indicate the name of the Account Owner's spouse, who jointly held the account at issue. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her maternal grandmother matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her grandmother was married to [REDACTED]. In contrast, the Bank's records show that the Account Owner was married to a different person. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's maternal grandmother are the same person.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision.

Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
18 August 2004