

# 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 Alexander Hacker and Account of Gustav Hacker**

Claim Numbers: 214644/MG; 001666/MG; 224558/MG<sup>1</sup>

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Alexander Hacker and Gustav Hacker.<sup>2</sup> This Denial is to the published account of Alexander Hacker (“Account Owner 1”), and to the account of Gustav Hacker (“Account Owner 2”), both 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 each of his paternal uncles, Alexander and Gustav Hacker, owned a Swiss bank account. According to the Claimant, his uncles, who were Jewish, resided in Vienna, Austria during the Second World War. In a telephone conversation with the CRT on 16 February 2005, the Claimant stated that his father, [REDACTED], had 10 brothers, that most of them were tailors, and that it is possible that either Alexander Hacker or Gustav Hacker was a watchmaker. The Claimant also stated that he recalled part of a street address - “Am Ring” or “Ring,” where either Alexander or Gustav might have lived or worked. The Claimant indicated that he was born on 30 December 1923 in Leipzig, Germany.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives,

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<sup>1</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimant in one proceeding.

<sup>2</sup> In Claim 214644, the Claimant also claimed the account of Karl Hacker (Häcker) and Rosa Schneider. The CRT will treat the claims to the accounts of Karl Hacker (Häcker) and Rosa Schneider in separate decisions.

Alexander and Gustav Hacker. The auditors who carried out the the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”) reported two accounts whose owners’ names match that provided by the Claimant. Each 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 5025676

The Bank’s records indicate that Account Owner 1 was Alexander Hacker, who resided in Vienna, Austria. The Bank’s records also indicate Account Owner 1’s street address and his type of business. Furthermore, the Bank’s records contain Account Owner 1’s signature.

#### Account 5023725

The Bank’s records indicate that Account Owner 2 was Gustav Hacker, who resided in Vienna, Austria and that the Power of Attorney Holder was Ella Hacker. The Bank’s records also indicate the Account Owner’s street address and his title. Furthermore, the Bank’s records indicate the date on which the power of attorney form was signed. Finally, the Bank’s records contain the Account Owner’s and the Power of Attorney Holder’s signatures.

### **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/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”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alexander Hacker and of Gustav Hacker. These records indicate Alexander Hacker’s street addresses. These records also indicate Gustav Hacker’s street address, date of birth, profession, and the name of his wife. These records also contain Gustav Hacker’s signature.

The CRT notes that Alexander Hacker’s street address is identical to Account Owner 1’s street address, and therefore concludes that they are the same person. The CRT also notes that Gustav Hacker’s street address, wife’s name and signature are identical to Account Owner 2’s street address, wife’s name and signature, and therefore concludes that they are the same person.

### **The CRT’s Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

### Identification of the Account Owners

As for Account 5025676, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his father, [REDACTED], had 10 brothers, and that most of them were tailors, however it is possible that his uncle may have been a watchmaker. The Claimant also stated that he recalled a part of a street address ("Am Ring" or "Ring"), where his uncle might have lived or worked. In contrast, the Bank's records and records from the Austrian State Archive show that Account Owner 1 was not a tailor or a watchmaker and had a different profession. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 5023725, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his father, [REDACTED], had 10 brothers and that most of them were tailors, however it is possible that his uncle may have been a watchmaker. In contrast, the Austrian State Archive records show that Account Owner 2's profession was different from a tailor or a watchmaker. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder although she had the same last name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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 his 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  
31 March 2005