

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Accounts of Ernst Heller**

Claim Number: 706678/SB<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Ernst Heller. This Denial is to the published accounts of three individuals named Ernst Heller (“Account Owner 1,” “Account Owner 2,” and “Account Owner 3”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”).<sup>2</sup>

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, asserting that her late husband, Ernst Heller, who was born on 12 July 1915 in Czechoslovakia, owned a Swiss bank account. The Claimant stated that her husband, who was Jewish, resided in Podmokly (today the Czech Republic) until approximately 1935 when he emigrated to Palestine and that he died on 4 January 1996 in Israel. The Claimant further stated that several members of her husband’s family perished in the Holocaust. The Claimant indicated that she was born on 16 September 1921.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ernst Heller. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP”

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<sup>1</sup> [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire, numbered ENG 0783073, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 706678.

<sup>2</sup> In this claim, the Claimant also claimed the account of Emil Heller. The CRT will treat the claim to this account in a separate determination.

or the “ICEP Investigation”) reported six 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 1013914

Bank 1’s records indicate that Account Owner 1 was Ernst Heller. Bank 1’s records also indicate Account Owner 1’s cities and countries of residence, together with the date of closing of the account at issue.

#### Account 5025690

Bank 2’s records indicate that Account Owner 2 was Ernst Heller, who resided in Vienna, Austria, and that the Power of Attorney Holders were Frtiz Heller and Max Heller. Bank 2’s records also indicate Account Owner 2’s street address in Vienna and two other cities and countries of residence. Furthermore, Bank 2’s records contain Account Owner 2’s signature.

#### Accounts 5027438, 5027455, 5027474 and 5027475

Bank 2’s records indicate that Account Owner 3 was Ernst Heller. Bank 2’s records also indicate Account Owner 3’s city and country of residence and contains Account Owner 3’s signature.

### **The CRT’s Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is 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 1013914, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her husband matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1’s records. Specifically, the Claimant stated that her husband resided in Czechoslovakia until 1935, when he emigrated to Palestine. In contrast, Bank 1’s records show that Account Owner 1 resided in other countries. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant’s husband are the same person.

As for Account 5025690, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her husband matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2’s records. Specifically, the

Claimant stated that her husband resided in Czechoslovakia until 1935, when he emigrated to Palestine. In contrast, Bank 2's records show that Account Owner 2 resided in Vienna, Austria. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's husband are the same person.

As for Accounts 5027438, 5027455, 5027474 and 5027475, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her husband matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that her husband resided in Czechoslovakia until 1935 when he emigrated to Palestine. In contrast, Bank 2's records show that Account Owner 3 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's husband 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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, which 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  
8 August 2006