

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Josef Heller
and
Account of Ladislaus Krausz**

Claim Number: 600720/AV¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Josef Heller (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Ladislaus Krausz (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

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 owners, and the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that his grandfather, Josef Heller, owned a Swiss bank account. The Claimant stated that his grandfather, who was Jewish, resided in Oradea, Romania, where he owned a shoe store. The Claimant further stated that his grandfather perished at Auschwitz.

In addition, the Claimant submitted an ATAG Ernst & Young claim form in 1998 asserting that his great-uncle or cousin, Ladislaus Krausz, who was born in Szitány, Romania owned a Swiss bank account.² The Claimant stated that his relative, who was Jewish, emigrated from Romania after the First World War. The Claimant indicated that while he was not sure to which country his relative immigrated, he knew that it was not Hungary. The Claimant indicated that his entire extended family perished in the Holocaust. The Claimant submitted his birth certificate, identifying him as [REDACTED]. The Claimant indicated that he was born on 29 May 1926 in Debrecen, Hungary.

¹ The Claimant submitted a claim, numbered B-01360, on 30 October 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600720.

² The Claimant stated that he was not sure whether Ladislaus Krausz was a brother of his grandfather or a son of a brother of his grandfather.

The Claimant previously submitted two additional ATAG Ernst & Young claim forms in 1998 and an Initial Questionnaire with the Court in 1999, asserting his entitlement to Swiss bank accounts owned by Plona V. Sesztina Munnich, Leo Neuilly Krausz, Ferenc Csengery, Milkós Csillag, and Jenő Havas.³

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to accounts belonging to his relatives, Josef Heller and Ladislaus Krausz. 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” or the “ICEP Investigation”) reported two accounts whose owners’ names match those 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 5026881

Bank 1’s records indicate that Account Owner 1 was Josef Heller, who resided in Grossdeuben, Germany, and that the Power of Attorney Holder’s were Johannes Heller and Margarete Heller. Bank 1’s records also indicate Account Owner 1’s street address. Furthermore, Bank 1’s records indicate the dates of opening and closing of the account at issue. Finally, Bank 1’s records contain Account Owner 1’s and the Power of Attorney Holders’ signatures.

Account 2016794

Bank 2’s records indicate that Account Owner 2 was Ladislaus Krausz, who resided in Hungary. Bank 2’s records further indicate that Account Owner 2 gave an address in a second country where he was about to settle. Furthermore, Bank 2’s records indicate the date of opening of the account at issue. Finally, Bank 2’s records contain Account Owner 2’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 Owner

As for Account 5026881, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published name of

³ In this claim, the Claimant also claimed the accounts of Plona V. Sesztina Munnich, Leo Neuilly Krausz, Ferenc Csengery, Milkós Csillag, and Jenő Havas. The CRT will treat the claims to these accounts in separate determinations.

Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his grandfather resided in Romania. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Moreover, the CRT notes that the Claimant failed to identify the individuals who held power of attorney, although they appear to be related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Account 2016794, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his relative matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his relative resided in Romania, and that he immigrated to a country other than Hungary. In contrast, Bank 2's records show that Account Owner 2 resided in Hungary. Moreover, Bank 2's records show that Account Owner 2 was about to settle in a second country, to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's relative 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 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
30 September 2005