

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Erika Szegedi

**in re Account of Alfred Israel
and
Account of Mimmy Israel
(Power of Attorney Holder Alfred Israel)¹**

Claim Number: 221506/SB²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Alfred Israel. This Denial is to the unpublished account of Alfred Israel (“Account Owner 1”) at the [REDACTED] (the “Bank”), and to the published account of Mimmy Israel (“Account Owner 2”), over which Alfred Israel (the “Power of Attorney Holder”) held power of attorney, also held at 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 uncle, Alfred Israel, who was born approximately in 1908, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was a businessman who resided in Vienna, Austria. The Claimant further stated that her uncle perished in the Second World War. The Claimant indicated that she was born on 21 March 1917 in Marosvasarhely, Hungary.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted two Initial Questionnaires to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires under the Claim Numbers 727704 and 728978. In the Initial Questionnaires and the Claim Form, the Claimant claimed an account belonging to Terc Israel. The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Alfred Israel. 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 owner's or power of attorney holder's 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 5030336

The Bank's records indicate that Account Owner 1 was Alfred Israel. The Bank's records also indicate Account Owner 1's street address, city and country of residence and the name of his spouse, together with the name of a power of attorney holder. Furthermore, the Bank's records indicate the date of opening of the account at issue and contains Account Owner 1's signature.

Account 5034030

The Bank's records indicate that Account Owner 2 was Mimmy Israel, who resided in Cologne, Germany, and that the Power of Attorney Holder was Alfred Israel. The Bank's records also indicate Account Owner 2's maiden name and street address in Cologne, together with the Power of Attorney Holder's street address, city and country of residence. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signatures.

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 5030336, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle matches the unpublished name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Vienna, Austria. In contrast, the Bank's records show that Account Owner 1 resided in a different country. The CRT also notes that the Claimant stated that her uncle was married to [REDACTED], whereas the Bank's records indicate that Account Owner 1 was married to a different person. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly

identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5034030, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her uncle matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Vienna, Austria. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different country. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's uncle are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as her relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not Account Owner 2, as her relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and Account Owner 2 were related.

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