

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Iwan Iwanow

Claim Number: 750287/WI¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the account of *Vlaikov & Co.*² This Denial is to the published accounts of Iwan Iwanow (the “Account Owner”) at the Zurich branch of 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 an ATAG Ernst & Young claim form identifying the Account Owner as Iwan Iwanow, who was an employee of *Vlaikov & Co.*, a company owned by his grandfather [REDACTED], who the Claimant asserts was the beneficial owner of the account. The Claimant indicated that his grandfather’s company had its seat in Sofia, Bulgaria. The Claimant further indicated that Iwan Iwanow worked as chief engineer with the company, and that he was entrusted with depositing 96,000.00 Swiss Francs (“SF”) in the company’s name in a Swiss bank in Zurich. The Claimant also indicated that his family members, who were Jewish, were harassed and persecuted, and that after the Second World War, due to the political situation in Bulgaria, they could not travel abroad and access the company’s account in Switzerland.

¹ Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-F-80-624-114-706, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 750287.

² The CRT did not locate an account belonging to *Vlaikov & Co.* 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”).

The Claimant indicated that he was born on 25 June 1971 in Bulgaria.

Information Available in the Bank's Record

The Bank's record indicates that the Account Owner was Iwan Iwanow. The Bank's record also indicates the Account Owner's country and city of residence. Furthermore, the Bank's record indicates the number and the type of the accounts held by the Account Owner as well as the dates of opening of the accounts. Finally, the Bank's record indicates that the accounts at issue were closed after the Second World War.

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

The Claimant has plausibly identified the Account Owner. The employee of the Claimant's grandfather's company name matches the published name of the Account Owner. The Claimant identified the Account Owner's country and city of residence, which match unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the name Iwan Iwanow appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Iwan Iwanow, prior to the publication of the 2005 List. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as the identified individual, but rather on a direct relationship that was known to him before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that the identified individual owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to these accounts were disconfirmed because these claimants provided a different city of residence than the city of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that the Claimant has not provided any information as to whether the Account Owner was a Victim of Nazi Persecution. However, the Claimant has made plausible showing that his grandfather, who the Claimant asserts was the beneficial owner of the account, was a

Victim of Nazi Persecution. The Claimant stated that *Vlaikov & Co.* was owned by [REDACTED], who was Jewish and who resided in Nazi-allied Bulgaria.

The Claimant's Relationship to the Account Owner

The CRT notes that the Claimant asserted that the Account Owner acted as a depositor on behalf of his grandfather. According to the Claimant, the Account Owner was an employee at his grandfather's company and was not related to him by blood or by marriage. The CRT concludes that the Claimant is not related to the Account Owner.

Entitlement to the Account

In this case, the Claimant identified the Account Owner as his grandfather's employee. The CRT notes that there is no indication in the Bank's record that the account was owned by a company or other legal entity, or that it was opened on behalf of the Claimant's grandfather or anyone other natural person. Therefore, in the absence of a family relationship between the Claimant and the Account Owner, or a will or testamentary documents indicating that the Claimant is a beneficiary of the Account Owner, the Claimant is not entitled to the Account Owner's accounts.

In addition, the CRT notes that the Bank's records indicate that the accounts were accessed and closed after the War. Accordingly, even if the Claimant's relative was the beneficial owner of the Account, as the Claimant asserts, the Bank's records indicate that the accounts were closed properly by the Account Owner.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the Certified Award Denial.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been denied in this Certified Award Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
4 February 2008