

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Barbara Schoenberg,
represented by E. Randol Schoenberg

**in re Accounts of Ernst Jellinek;
and
Account of Frida Jellinek (Power of Attorney Holder Ernst Jellinek),
and
Account of Bruno Jellinek (Power of Attorney Holder Ernst Jellinek);
and
Accounts of Lilly Wittels (Power of Attorney Holder Ernst Jellinek)¹**

Claim Number: 219180/MG

This Certified Denial is based on the claim of Barbara Schoenberg, née Zeisel, (the “Claimant”) to the published accounts of Ernst Jellinek. This Denial is to the published account of Ernst Jellinek (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Frida Jellinek (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published account of Bruno Jellinek (“Account Owner 3”) at Bank 2, and to the published accounts of Lilly Wittels (“Account Owner 4”), at Bank 2.

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her grandfather’s brother, Ernst Jellinek, who was born on 23 February 1877 in Kremsier, Moravia, Czechoslovakia, and was married to Elise Jellinek, née Berman, owned a Swiss bank account. The Claimant stated that her great-uncle, who was Jewish, resided at Skodagasse 19 in Vienna VIII, Austria, and that he had a doctor title. According to the Claimant her great-uncle fled from Austria to the United Kingdom. The Claimant stated that her great-uncle died in approximately 1960 in London, the United

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 substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as her relative.

Kingdom. The Claimant indicated that she was born on 17 May 1940 in New York, New York, the United States.

The Claimant submitted documents in support of her application, including: (1) her own birth certificate; (2) her mother's birth certificate; (3) the will of her great-uncle; and (4) a copy of the Austrian State Archive form, numbered 29358, for Ernst Jellinek, indicating that he resided at Skodagasse 19 in Vienna and that he was a medical doctor.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Ernst Jellinek. 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 four accounts whose owner's name matches to that provided by the Claimant and four accounts whose power of attorney holder's name matches to 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.

Accounts 1008922, 1008923, 1008924 and 1008925

Bank 1's records indicate that the Account Owner was Ernst Jellinek, who resided in Vienna, Austria. Bank 1's records also indicate the Account Owner 1's title and profession. Furthermore, Bank 1's records indicate the date of opening of one of the accounts at issue and the dates of closing of all of the accounts at issue.

Account 5023755

Bank 2's records indicate that Account Owner 2 was Frida Jellinek, who resided in Bielsko, Poland, and that the Power of Attorney Holder was Ernst Jellinek. Bank 2's records also indicate the Power of Attorney Holder's city of residence, street address, title and profession. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holder's signature samples.

Account 5024525

Bank 2's records indicate that Account Owner 3 was Bruno Jellinek, who resided in Bielsko, Poland, and that the Power of Attorney Holder was Ernst Jellinek. Bank 2's records also indicate the Power of Attorney Holder's city of residence, street address, title and profession. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain Account Owner 3's and the Power of Attorney Holder's signature samples.

Accounts 5024498 and 5029510

Bank 2's records indicate that Account Owner 4 was Lilly Wittels, who resided in Vienna, Austria and that the Power of Attorney Holder was Ernst Jellinek. Bank 2's records also indicate the Power of Attorney Holder's city of residence, street address, title and profession. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain Account Owner 4's and the Power of Attorney Holder's signature samples.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews, who were nationals of or resided in the Reich, including Austria, and who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Ernst Jellinek, numbered 34287. These records indicate Ernst Jellinek's date of birth, street address, profession, and wife's name. The records also indicate that Ernst Jellinek was deceased at the time the forms were submitted to the Nazi authorities.

The CRT notes that the information contained in the Austrian State Archive records about Ernst Jellinek's street address and profession matches the information about Account Owner 1 and the Power of Attorney Holder contained in Bank 1 and Bank 2's records. The CRT therefore concludes that Account Owner 1, Power of Attorney Ernst Jellinek (to accounts 5023755, 5024525, 5024498 and 5029510) and the person indicated in Austrian State Archive records numbered 34287 are the same person.

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

The CRT concludes that the Claimant has not identified Account Owner 1 (who is also the Power of Attorney Holder to accounts 5023755, 5024525, 5024498 and 5029510) as her relative. Although the name of her great-uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 in Bank 1's records and from that in the Austrian State Archive records. With regard to the Austrian State Archive records, the Claimant submitted copies of a file that had a different file number and described a different person of the same name than that which matched the information contained in the Bank records. Specifically, the Claimant stated that her relative was a medical doctor and submitted various documents substantiating that fact.. In contrast,

Bank 1's records, Bank 2's records and the Austrian State Archive records show that Account Owner 1 had a different profession. The Claimant stated that her relative was born in 1877. In contrast, the Austrian State Archive records show that Account Owner 1 was born in a different year. Moreover, the Claimant stated that her relative was married to Elise Jelinek, née Berman, and resided at Skodagasse 19 in Vienna VIII. In contrast, the Austrian State Archive records show that Account Owner 1 was married to someone else and Bank 2's records show that he had a different street address. Furthermore, the Claimant stated that her relative died in approximately 1960. In contrast, the Austrian State Archive records show that Account Owner 1 died many years before. The CRT also notes that the Claimant did not identify Account Owner 2, Account Owner 3 and Account Owner 4. Finally, the signature sample of the Claimant's great-uncle differs from that contained in Bank 2's records. Consequently, the CRT is unable to conclude that Account Owner 1 (and Power of Attorney Holder Ernst Jelinek) and the Claimant's great-uncle are the same person. Moreover, it should be noted that the CRT awarded the accounts belonging to Account Owner 1 to claimants who plausibly identified Account Owner 1 as their relative. A copy of the award -- In re Accounts of Ernst Jelinek -- is enclosed.

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 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