

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Frank J. Levy

**in re Account of Karl Joseph**

Claim Numbers: 204016/PY/AX; 223457/PY/AX<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Karl Joseph and to the accounts of Betti Joseph, Beatrice Joseph, and Fred Levy. The CRT did not locate accounts belonging to Betti Joseph, Beatrice Joseph, or Fred Levy 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”). This Denial is to the published account of Karl Joseph (the “Account Owner”) at 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 two Claim Forms asserting that her maternal uncle, Dr. Karl (Carl) Joseph, who was born on 9 December 1871 in Dramburg, Pomerania, Germany (now Drawsko Pomorskie, Poland), and was married to [REDACTED], née [REDACTED], in Berlin, Germany, owned a Swiss bank account. According to a document provided by the Claimant, [REDACTED] was born in Posen, Germany (now Poznan, Poland). The Claimant identified her uncle as a medical doctor who resided in Berlin until 1942. The Claimant indicated that her uncle had one daughter: [REDACTED], née [REDACTED], who was born on 25 June 1912 in Berlin. The Claimant further stated that her uncle, who was Jewish, was deported to

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<sup>1</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

<sup>2</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 204016.

Theresienstadt and later to Auschwitz, where he perished in 1944. The Claimant indicated that she was born on 19 September 1906 in Berlin.

In support of her claim, the Claimant submitted copies of lists from the Theresienstadt archive, indicating the dates of deportation of her uncle and aunt to Auschwitz.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Karl (Carl) Joseph. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches that provided by the Claimant. The 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 5027327

The Bank's records indicate that the Account Owner was Karl Joseph, who resided in Bahlingen, Germany. The Bank's records also indicate the Account Owner's street address.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her uncle matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her uncle was born in Dramburg, Pomerania, Germany (today, Poland) and that he resided in Berlin until 1942, when he was deported to Theresienstadt and later to Auschwitz. In contrast, the Bank's records show that the Account Owner resided in Bahlingen, Germany, on the French border, which is more than 1,000 kilometers from Dramburg (now Drawsko Pomorskie) and more than 700 kilometers from Berlin. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 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  
30 September 2004