

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Erna Mandelbaum

**in re Accounts of Josef Kaiser
and
Account of Joseph Eugene Kaysser¹**

Claim Number: 001517/ES/AH²

This Certified Denial is based on the claim of Erna Mandelbaum, née Kaiser, (the “Claimant”) to an account of Josef Kaiser and an account of herself, Erna Mandelbaum, née Kaiser. The CRT did not locate an account belonging to Erna Mandelbaum or Erna Kaiser 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 accounts of Josef Kaiser (“Account Owner 1”) and to the published accounts of Josef Kaiser (“Account Owner 2”) at [REDACTED] (“Bank 1”), to the published account of Josef Kaiser (“Account Owner 3”) at the [REDACTED] (“Bank 2”), to the published account of Joseph Eugene Kaysser (“Account Owner 4”), and the published account of Josef Kaiser (“Account Owner 5”) at the [REDACTED] (“Bank 3”).

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 father, Josef Kaiser, who was born on 11 June 1866 in Rybnik, Poland, and was married to Flora Dombrowska, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Rybnik, where he

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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² 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 001517.

owned an egg shop. The Claimant further stated that her family members were killed by the Nazis. The Claimant indicated that she was born on 22 April 1924 in Rybnik.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by herself.

The Claimant submitted documents in support of her application, including: (1) her birth and marriage certificates; and (2) her parents' marriage certificate; indicating that her father's name was Jozef (or Josef) Kaiser and that her family resided in Poland.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Josef Kaiser. The auditors who carried out the ICEP Investigation reported eight accounts whose owners' names match or are substantially similar 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 1012059 and 1012060

Bank 1's records indicate that Account Owner 1 was Josef Kaiser, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and his occupation. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Accounts 1012061, 1012062 and 1012063

Bank 1's records indicate that Account Owner 2 was Josef Kaiser, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 1014773

Bank 2's records indicate that Account Owner 3 was Josef Kaiser. Bank 2's records also indicate Account Owner 3's city and country of residence.

Account 5025520

Bank 3's records indicate that Account Owner 4 was Joseph Eugene Kaysser, who resided in Mulhouse, France.

Account 5027537

Bank 3's records indicate that Account Owner 5 was Josef Kaiser, who resided in Viersen, Germany. Bank 3's records also indicate Account Owner 5's street address and professional title.

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

As for Accounts 1012059 and 1012060, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her father resided in Poland, where he owned an egg shop. In contrast, Bank 1's records show that Account Owner 1 resided in Germany, and had a different occupation. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1012061, 1012062 and 1012063, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father 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 1's records. Specifically, the Claimant stated that her father resided in Poland. In contrast, Bank 1's records show that Account Owner 2 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 1014773, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father is substantially similar to the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Poland. In contrast, Bank 2's records show that Account Owner 3 resided in a different country. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

As for Account 5025520, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her father is substantially similar to the published name of Account Owner 4, the information provided by the Claimant differs materially from the published information about Account Owner 4 available in Bank 3's records. Specifically, the Claimant stated that her father resided in Poland. In contrast, Bank 3's records show that Account Owner 4 resided in France. Consequently, the CRT is unable to conclude that Account Owner 4 and the Claimant's father are the same person.

As for Account 5027537, the CRT concludes that the Claimant has not identified Account Owner 5 as her relative. Although the name of her father matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the published information about Account Owner 5 available in Bank 3's records. Specifically, the Claimant stated that her father resided in Poland, where he owned an egg shop. In contrast, Bank

3's records show that Account Owner 5 resided in Germany and had a different occupation. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's father 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