

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Lyuba Moldavskiy

**Claimed Account Owner: Froyka Kelinsky<sup>1</sup>**

Claim Number: 202419/SB

This Certified Denial is to the claim of [REDACTED] (the “Claimant”) to the Swiss bank account of Immanuel Kutzinski as published on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), and potentially owned by the Claimant’s relative, Froyka Kelinsky (the “Claimed Account Owner”).

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 stating that his uncle, Froyka Kelinsky, who was Jewish, resided in Moldova. The Claimant further stated that his uncle had the alternative first names of Froim, Fred, Manni, Immanuel and the alternative last name of Kutzinski.

The CRT notes that the Claimant provides no documentary proof of such alternative first and last names, and that in his Initial Questionnaire submitted to the Court in 1999, the Claimant stated that his uncle’s name was Froim Kelinsky, and did not indicate in his Initial Questionnaire that his uncle had any alternative first or last names.

### **The CRT’s Investigation**

The CRT matched the name of Froyka (Froim, Fred, Manni and Immanuel) Kelinsky (Kutzinski) to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and

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<sup>1</sup> The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

### **Information Available Concerning the Account Owner**

The CRT has located one account where an account owner's name matches the name, or alternative name, of the Claimant's relative, Froyka Kelinsky. The list below contains details of the type of information held about an account owner. The account is identified by its Account Identification Number, which is a number assigned to the account for tracking purposes.

#### Account 4022443

The records indicate that the account owner was Immanuel Kutzinski. The records do not indicate the account owner's domicile, or any other information about the account owner.

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

#### Identification of the Account Owner

The CRT concludes that the Claimant has not identified the account owner as his relative. Although the Claimant claimed the published name of an account owner, the Claimant was unable to establish any link between himself and the name of the account owner. The CRT notes that the Claimant did not provide any supporting evidence to show that he had a family member with the surname Kutzinski, and did not provide any explanation as to why his uncle, whom the Claimant named as Froim Kelinsky in his Initial Questionnaire, would open a bank account under the name of Immanuel Kutzinski.

The CRT notes that, in such cases where the records contain only the account owner's published name, determining the identity of the account owner is especially difficult. In determining if a claimant has correctly identified the account owner, the CRT considers whether a claimant can show that a member of their family had the same surname as the account owner. Birth and death registers often contain such information, and, in addition to the documents submitted by claimants, the CRT regularly consults archival sources in the attempt to locate such documents that would substantiate such claims.

The CRT takes into consideration the passage of time, alternative spellings of names, and the circumstances of the Holocaust. Thus, in the absence of documents that can show familial relationships, the CRT also considers whether a claimant identified the claimed account owner's name as a family member prior to its publication as an account owner name. For example, if a

claimant identified a person with the same name as the account owner in an Initial Questionnaire filed with the Court in 1999, prior to the publication in February 2001 of the published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), it is clear that a claimant based their 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 their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that a claimant had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by that claimant.

The CRT also regularly searches a database containing the names of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Entries in this database corresponding to a claimant’s relative and made prior to the publication of the account owner’s name can also bolster the plausibility of a claimant’s identification of the account owner, because they show that a claimant’s relative was identified by that name prior to the publication of the account owner’s name.

Absent special circumstances, the identification of a name on the published list of account owners, without some evidence showing that a claimant or some relative had the same name as the published account owner, is insufficient to support a finding that a claimant’s claim is plausible, and the claim must be denied.

In this case, the Claimant did not provide any documentary evidence to show that he had a family member with the surname Kutzinski. Further, no evidence exists to show that this name was identified by the Claimant as the name of his relative, prior to the publication of account owner names and that in his Initial Questionnaire, the Claimant stated that his uncle’s name was Froim Kelinsky. Accordingly, the CRT concludes that the Claimant has not identified the account owner as his relative.

The Claimant should note that all decisions are published upon release on the CRT’s website at [www.crt-ii.org](http://www.crt-ii.org).

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the Claimant may appeal this decision 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 decision.

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

### **Scope of the Denial**

The CRT now considers the Claimant's claim to the accounts of Froyka Kelinsky closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
12 October 2007