

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of A. Kempner

Claim Number: 201171/AV¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of A. Kempner and the accounts of Aron Kempler (Klausenstock). This Denial is to the published account of A. Kempner (the “Account Owner”) at the [REDACTED] (the “Bank”).^{2,3}

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 Form asserting that her paternal uncle’s father-in-law, Aron Kempler, who was born between 1880 and 1885, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her relative, who was Jewish, lived in Cesky Tesin, Czechoslovakia (now Czech Republic) and that he was murdered by the Nazis in 1943 in the Belzec concentration camp. According to the Claimant, it is possible that the Bank incorrectly recorded her relative’s family name as Kempner and not Kempler, or that the account was opened by a family member, [REDACTED], her paternal uncle, using Aron Kempler’s name as an alias, but intentionally misspelling the family name for security purposes. The Claimant indicated that she was born on 9 April 1940 in Palestine.

¹ The Claimant submitted an Initial Questionnaire to 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 201171.

² The CRT did not locate an account belonging to Aron Kempler (Klausenstock) 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”).

³ In this claim, and in the Initial Questionnaire, the Claimant also claimed the accounts of Toni Bogler, née Kempler, Salomon (Solomon, Salo, or Shlomo) Bogler, and Jacob (Friedrich or Bedrich) Bogler. The CRT will treat the claims to these accounts in separate determinations.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account submitted a claim to an account belonging to her relative, Aron Kempler. 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 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 5026378

The Bank's records indicate that the Account Owner was A. Kempner, who resided in Cesky Tesin, Czechoslovakia. The Bank's records further indicate the Account Owner's nationality. Furthermore, the Bank's records indicate the date of opening of the account at issue.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of three lists of account owners and a customer card, all indicating that the Account Owner was A. Kempner and indicating the Account Owner's nationality.

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 CRT concludes that the Claimant has not identified the Account Owner as her relative. Specifically, the Claimant's relative's family name, Kempler, does not match the Account Owner's family name, Kempner. With respect to the Claimant's assertion that this discrepancy is the result of an intentional or unintentional spelling error, the CRT notes that the Account Owner's name appears as "A. Kempner" on each document in the Bank's records, including on the Account Owner's original customer card. The CRT further notes that there is no evidence in the Bank's records to indicate that any person other than the Account Owner opened the account at issue. The CRT notes that the Claimant was unable to provide any documentation showing that her relatives used "Kempner" as an alternative surname or as an alias. In addition, the CRT notes that the Bank's records indicate that the Account Owner was of a different nationality than the Claimant's relative. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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, which 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
2 June 2006