

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Fanny Kessler

Claim Number: 401254/JW¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Fanny Kessler (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 a Claim Form in 2005 asserting that her mother, Fanny Berkovitz (Berkovic), née Kessler, who was born on 3 January 1895, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her mother, who was Jewish, resided in Pinkovce, Czechoslovakia (now Slovakia) with her parents, [REDACTED] and [REDACTED]. According to the Claimant, [REDACTED] employed an attorney to open an account on behalf of the Claimant’s mother. The Claimant indicated that Fanny Berkovitz and her family were deported in 1944 to Auschwitz, where she perished in 1944. The Claimant indicated that she was born on 5 July 1924 in Pinkovce.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her mother, Fanny Berkovitz, née Kessler. 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.

¹ The Claimant submitted two additional claims, which are registered under the Claim Numbers 212033 and 701910. The CRT will treat these claims in separate determinations.

Account 5034145

The Bank's records indicate that the Account Owner was Fanny Kessler. The Bank's records also indicate the Account Owner's street address, city and country of residence, and maiden name. Furthermore, the Bank's records indicate the date of opening of the account at issue and the name of a joint account owner. Finally, the Bank's records contain the Account Owner's signature.

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 the Account Owner as her relative. Although the first name and maiden name of her mother match the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her mother's maiden name was Kessler. In contrast, the Bank's records show that the Account Owner had a different maiden name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant 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. 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
9 November 2006