

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]

in re Account of Boguslaw Klarfeld

Claim Number: 216539/SB¹

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published account of Boguslaw Klarfeld (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 asserting that his relative Boguslaw Klarfeld, who was Jewish, owned a Swiss bank account. The Claimant provided limited information regarding his relative, stating only that he was doctor who was born in Poland and resided in Leipzig and Munich, Germany. The Claimant did not indicate his relative’s fate, but did indicate that members of his paternal family perished in the Holocaust. The Claimant indicated that he was born on 26 May 1955 in Paris, France.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Boguslaw Klarfeld. 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 216483 and 216486. The CRT will treat these claims in separate determinations.

Account 2016592

The Bank's records indicate that the Account Owner was Boguslaw Klarfeld, who resided in Vienna, Austria. The Bank's records also indicate the Account Owner's title and street address in Vienna. 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his relative matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his relative resided in Poland and Germany. In contrast, the Bank's records show that the Account Owner resided in Vienna, Austria. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 Claimant should be aware that the CRT will carry out further research on his 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
19 March 2007