

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Jerry Oster

in re Account of F. Klein-Chevalier¹

Claim Numbers: 217641/SB, 217642/SB, 217643/SB^{2,3}

This Certified Denial is based on the claim of [REDACTED], n e [REDACTED], (the “Claimant”) to an account of Fanny Winkler, n e Klein, Miklos Winkler and Bela Winkler. The CRT did not locate an account belonging to Fanny Winkler, Miklos Winkler or Bela Winkler 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 account of F. Klein-Chevalier (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 owners, and the bank are redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her mother, Fanny Winkler, n e Klein, who was born in 1891 in Czechoslovakia, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that from 1933 until 1944, her parents, who were Jewish, resided in Hungary, where they owned a farm, and operated a dairy factory and store. The Claimant also

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 those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as her relative.

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 217642.

³ The Claimant submitted an additional claim to the account of Margaret Winkler, which is registered under the Claim Number 217644. The CRT will treat the claim to this account in a separate decision.

stated that her family's property was confiscated by the Nazis, and that her mother perished in Auschwitz in 1944. The Claimant indicated that she was born on 18 December 1915.

The Claimant submitted documents in support of her application, including: (1) a family photograph; (2) a copy of a death certificate of the Claimant's sister, showing that Fanny Winkler, n e Klein, was her mother; and (3) a family tree.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Fanny Winkler, n e Klein. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to 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 5023856

The Bank's records indicate that the Account Owner was F. Klein-Chevalier, who resided in Florence, Italy, and that the Power of Attorney Holder was Elsa Klein-Chevalier. The Bank's records also show that the Account Owner was male, and indicate the Account Owner's street address, title, relationship to the Power of Attorney Holder, maiden name of the Power of Attorney Holder, and the name of the Account Owner's wife. Furthermore, the Bank's records indicate the date on which the power of attorney form was signed.

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

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her mother is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her mother resided in Hungary. In contrast, the Bank's records show that the Account Owner, who was male, resided in Florence, Italy. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder as her relative, and did not identify the family name "Chevalier", which is part of the Account Owner's last name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's mother are the same person. Moreover, it should be noted that the CRT has determined that another claimant who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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