

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Joseph Klein
and
Account of J. Klein¹**

Claim Number: 203780/AH; 600975/AH^{2, 3, 4}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the account of Josef Ignatz (or Igantius) Klein (or Kline). This Denial is to the published account of Joseph Klein (“Account Owner 1”) and to the published account of J. Klein (“Account Owner 2”), both 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 and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that his father, Josef Ignatz (or Igantius) Klein (or Kline), who was born on 12 February 1893 in Beregszasz, Hungary (today Beregovo, the Ukraine), and was married to [REDACTED] in Beregszasz, owned a Swiss bank account. The Claimant indicated that his father resided in Beregszasz and was the owner of a vineyard, an automobile repair garage and a lumberyard. The Claimant indicated that his parents, who were Jewish, died in Auschwitz in April 1942. The Claimant indicated that he was born on 23 May 1931 in Beregszasz.

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 that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account.

² The Claimant submitted a claim, numbered B-00597, on 8 February 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600975.

³ According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

⁴ The Claimant submitted two Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 203780.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999 and an HCPO claim form in 1998, asserting his entitlement to a Swiss bank account owned by Josef Ignatz (or Igantius) Klein (or Kline).

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Josef Ignatz (or Igantius) Klein (or Kline). 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 two accounts whose owners' names match or are substantially similar to those provided by the Claimant. Each 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 5024943

The Bank's records indicate that Account Owner 1 was Joseph (also spelled Josef) Klein, who resided in Belgrade, Yugoslavia. The Bank's records also indicate Account Owner 1's street address in Belgrade. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain Account Owner 1's signature.

Account 5030144

The Bank's records indicate that Account Owner 2 was J. Klein, who resided in Frankenthal, Germany, and that the Power of Attorney Holder was Otto Kühlborth. The Bank's records also indicate Account Owner 2's title and profession. In addition, the Bank's records indicate the Power of Attorney Holder's title. Furthermore, the Bank's records indicate the date of opening of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 5024943, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his father resided in Beregszasz, Hungary. In contrast, the Bank's

records show that Account Owner 1 resided in Belgrade, Yugoslavia. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5030144, the CRT likewise concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his father was the owner of a vineyard, an automobile repair garage and a lumberyard, and resided in Beregszasz, Hungary. In contrast, the Bank's records show that Account Owner 2 had a different profession and resided in Frankenthal, Germany. In addition, the Claimant failed to identify the Power of Attorney Holder. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father 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 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 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
31 March 2005