

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Julie König
and
Account of Julia Koenig¹**

Claim Number: 600010/WM²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Julie König (“Account Owner 1”), over which Eduard König (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”) and to the account of Julia Koenig (“Account Owner 2”), which was published under the name of the person who jointly held the account, at the Bank.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 to the Holocaust Claims Processing Office (“HCPO”) in 1997 asserting that his paternal aunt, Julia Koenig, who was born in 1895, owned a Swiss bank account. The Claimant stated that Julia Koenig, who was Jewish, was married to [REDACTED], who was the brother of the Claimant’s father, [REDACTED]. The Claimant further stated that his aunt lived in Budapest, Hungary as well as in Belgrade and in Zagreb, Yugoslavia, before

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), this account was published under the name of a different individual who jointly held the account with Julia Koenig. Upon careful review, the CRT has concluded that the relevant bank records indicate that Julia Koenig jointly owned this account with this individual.

² The Claimant submitted a claim, numbered B-00331, on 24 November 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT. The Claimant also submitted an Initial Questionnaire (“IQ”) with the Court in 1999. The Claimant previously submitted an ATAG Ernst & Young claim form in 1997. The CRT is treating the HCPO claim, the IQ and the ATAG Ernst & Young claim form under the consolidated Claim Number 600010.

³ The Claimant submitted an additional claim to the accounts of Bella Rosenberg, née Vermes, Emery (Imre) Koenig and Karl Koenig which are registered under the Claim Number 600010. The CRT will treat the claims to these accounts in separate determinations.

and during the Second World War, but disappeared in Yugoslavia sometime between 1944 and 1945. The Claimant indicated that he was born on 9 May 1929 in Budapest, Hungary.

In support of his claim, the Claimant submitted a copy of his parents' marriage certificate, indicating that his father was [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to his aunt, Julia Koenig. 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 four accounts whose owner's and power of attorney holder's names match 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.

Accounts 5024232, 5024745 and 5034651

The Bank's records indicate that Account Owner 1 was Julie König, who resided in Baden bei Wien, Austria, and that the Power of Attorney Holder was Eduard König. The Bank's records also indicate Account Owner 1's street address and the street address, city and country of residence for Power of Attorney Holder Eduard König. Finally, the Bank's records contain Account Owner 1's and Power of Attorney Holder Eduard König's signatures.

Account 5027454

The Bank's records indicate that Account Owner 2 was Julia Koenig, who resided in Zagreb, Yugoslavia. The Bank's records also indicate Account Owner 2's nationality, the name and the address of an additional person as an account owner for this account. In addition, the Bank's records contain information about a company with which Account Owner 2 and the person who held the account jointly were associated.

Documents provided by the HCPO

The HCPO provided documents from the Croatian State Archive in Zagreb containing information about Julia König of Zagreb. These records indicate Julia König's home address, place and date of birth, marital status, the name of her spouse, nationality, where and how she obtained her nationality and the names and addresses of the businesses she and her husband owned. The information obtained from the Croatian State Archive matches the information contained in the Bank's records about Account Owner 2 and the person who held the account jointly with Account Owner 2.

Taking all these factors into account, the CRT determines that Julia Koenig referred to in the documents from the Croatian State Archive and Account Owner 2 are the same person.

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

As for accounts 5024232, 5024745 and 5034651, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his aunt resided in Budapest, Hungary, as well as in Belgrade and Zagreb, Yugoslavia. In contrast, the Bank's records show that Account Owner 1 resided in Baden bei Wien, Austria. The CRT also notes that the Claimant failed to identify Power of Attorney Holder Eduard König, although he had the same last name as Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5027454, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt matches the name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records and the Croatian State Archive records. Specifically, the Claimant stated that his aunt was born in 1895 and was married to [REDACTED]. In contrast, Croatian State Archive records show that Account Owner 2 was born on a different date and that Account Owner 2 was married to a different individual. Moreover, the Claimant stated that his aunt resided in Budapest, Hungary, as well as in Belgrade and in Zagreb, Yugoslavia. In contrast, the Croatian State Archive records indicate that Account Owner 2 had not resided in Hungary before residing in Yugoslavia. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt 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 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
30 September 2005