

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Karl König

Claim Number: 708368/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Karl König.² This Denial is to the published accounts of two individuals named Karl König (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”).

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 an Initial Questionnaire asserting that his uncle, Karl König, who was born in Czechoslovakia, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish, resided in Vienna, Austria, with his wife and children. The Claimant further stated that his uncle perished during the Second World War. The Claimant indicated that he was born on 10 August 1918.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Karl König. The auditors who carried out the investigation to identify accounts of Victims of Nazi

¹ The Claimant did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted an Initial Questionnaire, numbered GER 0005072, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 708368.

² The CRT did not locate an account belonging to Karl König 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”).

Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported three accounts whose owners’ names match that 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 1000146

Bank 1’s records indicate that Account Owner 1 was Karl König, who resided in Germany. Bank 1’s records also indicate Account Owner 1’s profession, city of residence and a date prior to which Account Owner 1 died. Furthermore, Bank 1’s records indicate the date of closing of the account at issue.

Accounts 5024641 and 5026784

Bank 2’s records indicate that Account Owner 2 was Karl König, who resided in Vienna, Austria. Bank 2’s records also indicate Account Owner 2’s street address and the year in which one of the accounts at issue was opened. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank 2 to obtain additional information about these accounts (“Voluntary Assistance”). Bank 2 provided the CRT with additional documents, which contain Account Owner 2’s signature.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Karl König. These documents indicate Karl König’s date of birth, marital status, profession, street address and city and country of residence and contains Karl König’s signature.

Based upon the information contained in the 1938 Census records and Bank 2’s records, the CRT concludes that the person named Karl König in the 1938 Census records 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 Account 1000146, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle 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 Bank 1's records. Specifically, the Claimant stated that his uncle resided in Austria. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Consequently, the CRT concludes that Account Owner 1 and the Claimant's cousin are not the same person.

As for Accounts 5024641 and 5026784, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in the 1938 Census records. Specifically, the Claimant stated that his uncle was married and was a businessman. In contrast, the 1938 Census records shows that Account Owner 2 was unmarried and had a different occupation. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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