

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Alfred Kraus
and
Account of Alfred Krauss**

Claim Number: 217039/MG¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to an account of Alfred Kraus and *Vereinigte Papier und Ultramarin Fabriken*. The CRT did not locate an account belonging to *Vereinigte Papier und Ultramarin Fabriken* 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 Alfred Kraus (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Alfred Krauss (Kraus) (“Account Owner 2”) 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 a Claim Form asserting that his maternal grandfather, Dr. Alfred Kraus, who was born on 8 May 1867 in Gitschin, Bohemia, Austro-Hungary (now Jicin, Czech Republic), and was married to [REDACTED], née [REDACTED], in 1900, owned a Swiss bank account. The Claimant indicated that his grandfather, who was Jewish, was an industrialist, held a doctorate in chemistry, and was the head and major shareholder of his father’s firm, *Vereinigte Papier und Ultramarin Fabriken, Jakob Kraus, Joh. Setzer, N. Schneider*, which was located at Mahlerstrasse 13, Vienna I, Austria. The Claimant further stated that his grandfather resided at Maximilianstrasse 3 in Vienna I, and then at Pestalozzigasse 1 in Vienna I, and then at Mohsgasse 2 in Vienna III until 4 August 1938, when he passed away in Vienna. The Claimant indicated that he was born on 11 February 1924 in Prague, Czechoslovakia.

¹ The Claimant submitted an additional claim to the account of Rudolf Kraus, which is registered under the Claim Number 217038. The CRT will treat the claim to this account in a separate decision.

The Claimant submitted documents in support of his application, including: (1) his own birth certificate, which indicates his grandfather's name, title, profession and his connection to Vienna; and (2) his mother's birth certificate, which indicates her father's name.

Information Available from the Austrian State Archives

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 Dr. Alfred Kraus, numbered 27122. The records indicate that Dr. Alfred Kraus, was born on 18 May 1867, resided at Mohsgasse 2 in Vienna III and was married to [REDACTED], née [REDACTED]. These records further indicate that Dr. Alfred Kraus was the owner of the firm *Vereinigte Papier und Ultramarin Fabriken AG*. The records also contain Dr. Alfred Kraus's signature. There is no indication in these records that Dr. Alfred Kraus owned a Swiss bank account.

The CRT notes that Alfred Kraus's title, street address, spouse's name and company's name are identical to the title, street address, spouse's name and company's name of the Claimant's relative, and therefore concludes that they are the same person.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Alfred Kraus. The auditors who carried out the ICEP Investigation reported two 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 5024361

Bank 1's records indicate that Account Owner 1 was Alfred Kraus who resided in Vienna, Austria, and that the Power of Attorney Holders were Oskar Fried and Louise Seidler. Bank 1's records also indicate Account Owner 1's street addresses in Vienna, and the name of another person who also had a power of attorney to the account. Finally, Bank 1's records contain Account Owner 1's and the Power of Attorney Holders' signatures.

Account 4019518

Bank 2's records indicate that Account Owner 2 was Alfred Krauss (also spelled Kraus). Bank 2's records also indicate Account Owner 2's city and country of residence. Furthermore, Bank 2's records indicate the date of opening of the account at issue.

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 Owners

As for account 5024361, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his grandfather resided at Maximilianstrasse 3 in Vienna I, and then at Pestalozzigasse 1 in Vienna I, and thereafter at Mohsgasse 2 in Vienna III, until 4 August 1938, when he passed away in Vienna. In contrast, Bank 1's records show that Account Owner 1 resided at different street addresses in Vienna. Moreover, the signature of the Claimant's grandfather as contained in the records from the Austrian State Archives appears to be different from the signature of Account Owner 1 as contained in Bank 1's records. Furthermore, the Claimant stated that his grandfather held a Dr. title, whilst Bank 1's records do not indicate that Account Owner 1 had such a title. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holders. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for account 4019518, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandfather matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his grandfather resided in Vienna until his death in August 1938. In contrast, Bank 2's records show that Account Owner 2 resided in a different country, which was not identified by the Claimant, and to which the Claimant did not establish any connection. Moreover, Bank 2's records indicate that the account at issue was opened after the Claimant's grandfather's death. Consequently, the CRT concludes that Account Owner 2 and the Claimant's grandfather are not the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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
15 July 2005