

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Rudolf Kraus
(Power of Attorney Holder Bela Kraus)**

Claim Number: 223452/KG¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Bèla (Vojtech) Krausz (Karas, Kraus). This denial is to the published account of Rudolf Kraus (the “Account Owner”) over which Bela Kraus (the “Power of Attorney Holder”) held a power of attorney at the [REDACTED] (the “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 her maternal grandfather, Bèla Krausz, who was born in 1871 in Zemianske Podhradie, Slovakia (formerly of the Austro-Hungarian Empire), and was married to [REDACTED], in 1898 in Bosaca, Slovakia (formerly of the Austro-Hungarian Empire), was a power of attorney holder to a Swiss bank account. The Claimant indicated that her grandfather, who was Jewish, was a landowner and resided in Zemianske Podhadrie and Bosaca, until 1933 when he moved to Berlin, Germany. The Claimant further stated that in 1942 her grandfather was forced into hiding and that he died on 2 October 1949 in Bosaca. In support of her claim, the Claimant submitted a copy of her mother’s birth certificate, indicating that [REDACTED] was born on 10 August 1901 in Bratislava, Slovakia, and that her parents were [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 4 September 1928 in Zehianske Podhradie.

¹ 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 223452.

² The CRT notes that the Claimant provided the alternative name spellings for her relative of Bèla (Vojtech) Krausz (Karas). The CRT did not locate an account belonging to Bèla (Vojtech) Krausz (Karas) 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”).

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Vojtech Krausz (Karas) and by herself.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Bèla Krausz. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose power of attorney holder's name matches 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 5024147

The Bank's records indicate that the Account Owner was Rudolf Kraus, who resided in Osijek, Yugoslavia, and that the Power of Attorney Holder was Bela Kraus. The Bank's records also indicate the Account Owner's street address, and the Power of Attorney Holder's street address, city and country of residence. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

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 Owner and the Power of Attorney Holder

The CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her grandfather matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her grandfather resided in Slovakia and Germany. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different country, a country which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's grandfather 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 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
14 December 2005