

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Joseph Cary Poras

in re Accounts of Hans Kulka

Claim Number: 224549/AH¹

This Certified Denial is based on the claim of Joseph Cary Poras (the “Claimant”) to the published accounts of Hans Kulka, Erben (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father’s maternal first cousin, Hans Kulka, who was born in Vienna, Austria, and was never married, owned a Swiss bank account. The Claimant indicated that Hans Kulka, who was Jewish, was a lawyer and resided in Vienna until he committed suicide in 1939 or 1940. The Claimant further indicated that Hans Kulka had three siblings: Arthur, who was also a lawyer, Max, and Rose, none of whom had children. The Claimant indicated that he was born on 13 October 1941 in Clinton, Massachusetts, the United States.

The Claimant submitted documents in support of his application, including the birth and death certificates of his father, Dr. Harry Hermann Poras, showing that he was born in Vienna.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hans Kulka. 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 owner’s name matches 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.

¹ The Claimant submitted an additional claim to the account of Artur Kulka, which is registered under Claim Number 224248. The CRT will treat the claim to this account in a separate decision.

Accounts 4021744 and 4021745

The Bank's records indicate that the Account Owner was the late Hans Kulka, who resided in Vienna, Austria. The Bank's records also indicate the Account Owner's street address, his title, and the name and address of his brother, who was also the contact person for the accounts at issue. Furthermore, the Bank's records indicate the date of death of the Account Owner.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of the Account Owner, numbered 14285. These documents indicate the Account Owner's date of birth, and street address. The documents also indicate the Account Owner's nationality, title and profession. The documents indicate that the Account Owner owned several domestic and foreign securities, and make no mention of any assets held in a Swiss bank account.

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

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his father's cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records and the information available in the Austrian State Archives. Specifically, the Claimant stated that Hans Kulka had two brothers: Arthur and Max. In contrast, the Bank's records show that the Account Owner's brother was a different person, whose name or address the claimant did not indicate. Furthermore, the Claimant indicated that Hans Kulka committed suicide in 1939 or 1940. In contrast, the Bank's records show that the Account Owner died in a different year. In addition, the CRT notes that the Claimant did not identify the Account Owner's title and street address, which were indicated in the Bank's records and in the Austrian State Archives' records. Moreover, the Claimant indicated that his relative was a lawyer. In contrast, the Austrian State Archives' records show that the Account Owner had a different profession. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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
10 September 2004