

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Jakub Lewy

Claim Number: 211622/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Jakub Lewy and Jacob Levitski. The CRT did not locate an account belonging to Jacob Levitski 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 Jakub Lewy (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 are redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form that her paternal grandfather, Jakub Lewy (Levitski), who was born sometime between 1875 and 1885 in an unknown country, and was married to [REDACTED] on an unknown date, owned a Swiss bank account. The Claimant stated that her grandfather was Jewish and that he resided in Germany and in Stettin, Poland. The Claimant further stated that her grandparents had one child, [REDACTED], the Claimant’s father. The Claimant explained that between 1926 and 1939, her father received letters from his father that came first from Germany and later from Poland. The Claimant further stated that her grandfather was a shoemaker and that he owned a shoe-making shop. According to the Claimant, in his letters to his son, her grandfather mentioned that he had deposited money with Swiss banks. The Claimant indicated that her grandfather died after 1940 in Germany or Poland during the Second World War. The Claimant further indicated that she was born on 2 May 1929 in Gomel, Belarus.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her grandfather, Jacob Levitski.

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 211622.

The Claimant submitted the following documents in support of her application: (1) a family tree; (2) a copy of her birth certificate identifying her birth name as [REDACTED]; and (3) a copy of a translated letter from Feygina Chana Zalmanova who indicated that the Claimant's family was from Gomel, Poland, and that they were very well off prior to the Second World War.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Jakub Lewy. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches to 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 5031093

The Bank's records indicate that the Account Owner was Holder was Jakub (Also known as Jacques) Lewy, who resided in Lodz, Poland, and the Power of Attorney Holders were Alexandre Stephan Lewy and Anna (Chana) Lewy, who appear to be closely related to the Account Owner. The Bank's records also indicate the Account Owner's street address, the Power of Attorney Holders' cities and countries of residence, and the date the power of attorney form was signed. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holders' 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her grandfather matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant did not identify the Power of Attorney Holders who appear to be closely related to the Account Owner. Furthermore, according to the Claimant her grandfather resided in Stettin, Germany (which became part of Poland in 1945). In contrast, the Bank's records show that the Account Owner resided in Lodz, Poland, to which the Claimant did not establish any connection and which is more than 300 kilometers from Stettin. All these facts together do not allow the CRT to conclude that the Account Owner and the Claimant's grandfather is the same person. Moreover, it should be noted that the CRT awarded the account to another claimant who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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 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
19 November 2004