

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Alexey Jarrel

**in re Account of Rudolf Lichtenstein
and
Account of Charlotte Lichtenstein
(Power of Attorney Holder Rudolf Lichtenstein)¹**

Claim Number: 205713/SB^{2,3}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Rudolf Lichtenstein (Liechtenstein).⁴ This Denial is to the published account of Rudolf Lichtenstein (“Account Owner 1”) at the [REDACTED] (the “Bank”) and to the published account of Charlotte Lichtenstein (“Account Owner 2”), over which Rudolf Lichtenstein (the “Power of Attorney Holder”) held power of attorney, also at 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 have been redacted.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 205713 and 219517. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 205713.

³ The Claimant submitted an Initial Questionnaire to 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 205713. In the Initial Questionnaire, the Claimant claimed an account belonging to Sender Liechtenstein. The CRT will treat the claim to this account in a separate determination.

⁴ The CRT did not locate an account belonging to Rudolf Liechtenstein 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”).

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her paternal uncle, Rudolf Lichtenstein, who was born in Warsaw, Poland, owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was sent, as a young person, from Poland to study in Austria, where he remained after completing his studies. The Claimant further stated that her uncle resided in Vienna, Austria and that the family lost contact with him during the Second World War. The Claimant indicated that she was born on 10 December 1924 in Warsaw, Poland.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Rudolf Lichtenstein. 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 or power of attorney holder's names 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.

Account 5029624

The Bank's records indicate that Account Owner 1 was Rudolf Lichtenstein, who resided in Vienna, Austria, and that Charlotte Lichtenstein held power of attorney over the account. The Bank's records also indicate power of attorney holder Charlotte Lichtenstein's city and country of residence. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with an additional document. This document indicates Account Owner 1's street address in Vienna, the name of his spouse and power of attorney holder Charlotte Lichtenstein's street address. Finally, this document contains the signatures of Account Owner 1 and power of attorney holder Charlotte Lichtenstein.

Account 5029622

The Bank's records indicate that Account Owner 2 was Charlotte Lichtenstein, who resided in Vienna, Austria, and that the Power of Attorney Holder was Rudolf Lichtenstein. The Bank's records also indicate the Power of Attorney Holder's city and country of residence. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with an additional document. This document indicates Account Owner 2's street address, and the Power of Attorney Holder's street address. Finally, this document contains the signatures of Account Owner 2 and the Power of Attorney Holder.

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 Rudolf Lichtenstein. These records indicate, among other information, Rudolf Lichtenstein’s date and place of birth, occupation, street address, city and country of residence and the name of his wife.

The CRT concludes that from the information contained in the 1938 Census records and the Bank’s records that the Rudolf Lichenstein named in the 1938 Census records is Account Owner 1 and the Power of Attorney Holder over the account of Account Owner 2.

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 Accounts 5029622 and 5029624, the CRT concludes that the Claimant has not identified Account Owner 1/the Power of Attorney Holder as her relative. Although the name of her uncle matches the published names of Account Owner 1/the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1/the Power of Attorney Holder available in the 1938 Census records. Specifically, the Claimant stated that her uncle was born in Warsaw, today Poland, where he resided until his parents sent him to Vienna for his education. In contrast, the 1938 Census records show that Account Owner 1/the Power of Attorney Holder, was born in a different country. Consequently, the CRT is unable to conclude that Account Owner 1/the Power of Attorney Holder, and the Claimant’s uncle 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, which 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
8 August 2006