

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]¹

in re Account of A. Lipschitz²

Claim Number: 004213/MG

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Abraham (Adolf) Schreiber and to an account of “Niki Yozi Oltzian.” The CRT did not locate any accounts belonging to Abraham (Adolf) Schreiber or Niki Yozi Oltzian 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 A. Lipschitz (the “Account Owner”) at the Zurich branch of 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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form, an Initial Questionnaire and an ATAG Ernst & Young claim form, asserting that her father, Abraham (Adolf) Schreiber, who was born on 29 March 1910 in Chernovich, Romania, and was married to [REDACTED], née [REDACTED], in Romania, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a chemical engineer and a partner in businesses involved in wines, spirits, soap, and rubber. The Claimant further stated that her father lived and worked in several cities in Romania

¹ The Claimant provided her name and some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in§ the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

² 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’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account.

including Bacau, Odobesti, Arad, Timisoara, Hunedoara, and Bucharest. According to the Claimant, after the Nazis occupied Romania, her father sent his money through a proxy to Switzerland, and used the names of his business partners and his non-Jewish friends to open the account. The Claimant stated that her father used the alternative last names Lipschitz and Kalmanowitz. The Claimant indicated that her father emigrated to Israel in 1959, and that he died on 22 September 1980. The Claimant indicated that she was born on 25 July 1945 in Romania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Abraham (Adolf) Schreiber.

The Claimant submitted documents in support of her application, including: (1) her father's death certificate; (2) a document confirming her father's change of name from Adolf to Abraham; and (3) a document, dated 1958, authorizing the Claimant's father to travel from Romania to Israel.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Abraham (Adolf) Schreiber (alternatively Lipschitz). The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the ICEP Investigation reported one account whose owner's name is substantially similar 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 5026330

The Bank's records indicate that the Account Owner was A. Lipschitz, who resided in Bucharest, Romania. The Bank's records also indicate the Account Owner's street address, the Account Owner's type of occupation and the fact that he was the sole owner of the account. Furthermore, the Bank's records indicate the date of opening of the account at issue. Finally, the Bank's records contain the Account Owner's signature samples.

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 alternative name of her father is substantially similar to the published name of the

Account Owner, the information provided by the Claimant differs from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father opened the account under another name because of the Nazi occupation of Romania. In contrast, the Bank's records show that the Account Owner was the sole owner of the account, and that the account was opened long before the Nazi occupation of Romania and also before the Nazi regime in Romania came to power. In addition, the Claimant stated that her father was an engineer and a partner in various businesses. In contrast, the Bank records indicate that the Account Owner had a different type of occupation. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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 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
18 August 2004