

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimants Andrew (Andras) Elek,

Klara Elek

and Jacov (Vladislav) Balog

in re Account of Hermine LoebL

Claim Numbers: 000429/AH; 000455/AH; 215263/AH; 500279/AH; 711743/AH; 727654/AH;
735984/AH; 735820/AH¹

This Certified Denial is based upon the claims of Andrew (Andras) Elek ("Claimant Andrew Elek"), Klara Elek, née Bergel, ("Claimant Klara Elek") and Jacov (Vladislav) Balog ("Claimant Balog") (together the "Claimants") to the published account of Hermine LoebL (the "Account Owner") at the Zurich branch of 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 Claimants

Claimant Klara Elek and Claimant Andrew Elek

Claimant Klara Elek and Claimant Andrew Elek, who are mother and son, submitted two similar Claim Forms, identifying the Account Owner as the cousin of Claimant Klara Elek's father, Hermine LoebL. Claimants Andrew and Klara Elek indicated that Hermine LoebL, who was born in 1879 in Senta, Yugoslavia, was married to a lawyer named Nandor LoebL. Claimants Andrew and Klara Elek indicated that Nandor and Hermine LoebL had two sons named Franz and Andrei, and that they resided in Senta. Claimants Andrew and Klara Elek indicated that Hermine LoebL co-owned a winery with Claimant Klara Elek's father, Leo Bergel, that was named *LoebL & Bergel*, located at 13 Jokai Street in Senta. Claimants Andrew and Klara Elek stated that Leo Bergel owned several houses and land in the vicinity of Senta, and traveled frequently to

¹ Claimants Andrew Elek and Klara Elek each submitted an Initial Questionnaire ("IQ") with the Court in 1999, numbered I-Q-HEB-0016 074 and HUN 0001 007, respectively. Claimant Balog submitted two IQs with the Court in 1999, numbered POR 0008 144 and POR 0005 117. Although these Initial Questionnaires were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). These IQs were forwarded to the CRT and have been assigned claim numbers 711743, 727654, 735820 and 735984, respectively.

Germany and Switzerland. Claimants Andrew and Klara Elek stated that Hermine Loebel and her two children, who were Jewish, perished in Auschwitz in 1944. Claimants Andrew and Klara Elek further stated that Leo Bergel, who was also Jewish, was deported in 1944 to Auschwitz, where he perished. Claimants Andrew and Klara Elek further stated that before his deportation, Leo Bergel told Claimant Klara Elek that he owned a bank account in Switzerland, which he opened in the name of his cousin, Hermine Loebel, and into which he deposited funds from the winery. Claimants Andrew and Klara Elek further stated that their attempts to obtain information about the account following the Second World War failed, as all the Swiss banks they contacted refused to provide information, claiming they were bound by secrecy laws. Claimants Andrew and Klara Elek stated that Claimant Balog is Claimant Klara Elek's first cousin, who changed his last name from Bergel to the Hungarian name Balog. Claimants Andrew and Klara Elek submitted various documents, including their own birth certificates, indicating that Claimant Klara Elek is the mother of Claimant Andrew Elek; Claimant Klara Elek's marriage certificate, and the birth certificate of Leo Bergel and his father, Jakob Bergel. Claimants Andrew and Klara Elek further submitted a copy of an official document issued in Senta, listing assets belonging to Leo Bergel. Claimant Andrew Elek stated that he was born on 13 March 1933 in Budapest, Hungary. Claimant Klara Elek stated that she was born on 19 September 1911 in Senta.

Claimants Andrew and Klara Elek previously submitted four Initial Questionnaires ("IQs") with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by Leo Bergel, Claimant Klara Elek, *Loebel & Bergel* and Hermine Loebel.²

Claimant Balog

Claimant Balog submitted two Claim Forms identifying the Account Owner as his father's cousin, Hermine Loebel, née Hajduska, who was married to Dr. Nandor Loebel, and had a son named Andrejka Loebel. Claimant Balog indicated that Hermine Loebel was a landowner who lived in Senta, Yugoslavia, from 1933 to 1944. Claimant Balog stated that his father's cousin had business connections in Zurich, Switzerland. Claimant Balog further indicated that Hermine Loebel was Jewish and that she was deported to a concentration camp, where she perished in June 1944. Claimant Balog submitted various documents, including an extract of his birth certificate issued in Senta, correspondence regarding Hermine Loebel's estate, including a copy of a decision rendered by the District Tribunal of Senta on 9 June 1947, pertaining to the estate of Hermine Loebel, née Hajduska, indicating that her husband and her son died during deportation, and that Claimant Balog, as the grandson of Hermine Loebel's uncle, is entitled to two-eighths of her estate and that Claimant Klara Elek, the daughter of Hermine Loebel's cousin, is entitled to one-eighth of her estate. Claimant Balog stated that he was born on 17 March 1923 in Senta.

² The CRT did not locate an account belonging to Klara Elek or Klara Bergel, Leo Bergel, or *Loebel & Bergel* 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"). Claimants Andrew and Klara Elek should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by Claimants Andrew and Klara Elek or upon information from other sources.

Claimant Balog previously submitted two IQs with the Court in 1999, asserting his entitlement to Swiss bank account owned by Hermine Loebel and Jacov Balog.³

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Hermine Loebel, who resided in Senta, Yugoslavia. The Bank's record indicates that the Account Owner held a demand deposit account that was opened on 20 July 1932 and closed on 20 June 1940. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the eight claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimants identified their relative's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. Claimant Balog identified his relative's business connections to Zurich, which is consistent with the fact that the account was held at the Zurich branch of the Bank, which is unpublished information. In support of his claim, Claimant Balog submitted correspondence regarding Hermine Loebel's estate, indicating her name, marital status, circumstances of death and her residence in Senta, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that the Claimants' claims support and corroborate one another. The CRT further notes that the name Hermine Loebel appears only once on the February 2001 published list of accounts identified by the Independent Committee of Eminent Persons ("ICEP") as probably or possibly those of victims of Nazi persecution (the "ICEP List").

³ The CRT did not locate an account belonging to Jacov Balog in the Account History Database prepared pursuant to the ICEP Investigation. Claimant Balog should be aware that the CRT will carry out further research on his claims to determine whether an award may be made upon the information provided by Claimant Balog or upon information from other sources.

The CRT notes that the Claimants submitted IQs with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by Leo Bergel and Hermine Loebel, prior to the publication of the ICEP List. This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. Furthermore, the CRT notes there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that she and both her children were murdered in Auschwitz in 1944.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant Andrew Elek's grandfather's cousin, and Claimant Klara Elek's and Claimant Balog's fathers' cousin. These documents include a copy of a decision rendered by the District Tribunal of Senta, indicating that Claimant Balog is the grandson of Hermine Loebel's uncle, and that Claimant Klara Elek is the daughter of Hermine Loebel's cousin. In addition, Claimant Andrew Elek submitted his birth certificate stating that his mother is Klara Elek. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Bank's records indicate that the account was closed on 20 June 1940, which is prior to the Nazi invasion of Yugoslavia on 25 March 1941, the CRT concludes that the Account Owner was able to access the account and receive the proceeds.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on heir claims to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
31 March 2005