

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Josef Mandl

Claim Number: 401794/SB¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Josef Mandl (the “Account Owner”) held 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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form in 2005 asserting that her great-uncle by marriage, Josef Mandl, who was born on 17 December 1858 in Vienna Austria, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her great-uncle, who was Jewish, was a plant manager who resided in Vienna, Austria. The Claimant further stated that her great-uncle died on 14 January 1951. The Claimant indicated that she was born on 19 April 1917 in Vienna.

The Claimant submitted documents in support of her claim, including an extract of a document obtained from the Austrian State Archive (Archive of the Republic, Finance), regarding assets for Josef Mandl, dated 6 July 1938, which indicates, his date of birth, the name of his spouse and his place of residence.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Josef Mandl. The CRT further notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent

¹ The Claimant submitted two additional claims, which are registered under the Claim Numbers 401800 and 402120. The CRT will treat these claims in separate determinations.

Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Josef Mandl during their investigation of the Bank. The documents evidencing accounts belonging to Josef Mandl were obtained from the Swiss Federal Archive in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the “1962 Survey”). Each account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Accounts 6001869 and 6001870

The Bank’s records indicate that the Account Owner was Josef Mandl. The Bank’s records also indicate the Account Owner’s nationality, city and country of residence and the name of his spouse. Furthermore, the Bank’s records indicate the name of a joint account owner.

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 her relative. Although the name of her great-uncle 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. Specifically, the Claimant stated that her great-uncle was married to [REDACTED] and resided in Austria. In contrast, the Bank’s records show that the Account Owner was married to a different person and resided in a different country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s great-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