

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Alfred Mark

Claim Number: 207179/MG¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Mordke (Mark) Schwidler and Aron (Alfred) Schwidler and to the published account of Alfred Mark. The CRT did not locate an account belonging to Mordke (Mark) Schwidler or Aron (Alfred) Schwidler 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 Alfred Mark (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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her paternal grandfather, Mordke (Mark) Schwidler, who was born in 1870 in Odessa, Russia, and was married to [REDACTED], née [REDACTED], in 1892, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, resided in Odessa, where he was a businessman. According to the Claimant, her grandfather deposited money in a Swiss bank after selling shares of a Ukrainian coal syndicate. The Claimant further stated that it is possible that her grandfather had opened the account in Switzerland under the name Alfred Mark, which is a combination of his alternative first name and his son’s, [REDACTED], alternative first name, Alfred. The Claimant stated that his grandfather was killed in October 1941 during the Holocaust. The Claimant indicated that she was born on 22 April 1925 in Odessa.

The Claimant submitted documents in support of her application, including: (1) a copy of her father’s marriage certificate; (2) a copy of her own birth certificate; (3) a copy of her father’s death certificate; and (4) a photograph of the Claimant’s grandfather.

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 207179.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Mordke (Mark) Schwidler, who possibly opened an account under the name of Alfred Mark. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches the name claimed 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 1000876

The Bank's records indicate that the Account Owner was Alfred Mark.

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. The Claimant stated that her grandfather's alternative first name was Mark and that her father's first alternative name was Alfred, and that it is possible that her grandfather opened the account in Switzerland under the name, Alfred Mark, which matches the published name of the Account Owner. The CRT notes that the Claimant provided documents pertaining to her grandfather and her father. In these documents the name Mark appears as a name used by the Claimant's grandfather, however there is no indication in the documents submitted by the Claimant of the name Alfred as a name used by the Claimant's father. The CRT also notes that the Claimant submitted an Initial Questionnaire with the Court in 1999 prior to the publication of the name "Alfred Mark," in which she claimed an account of her father, [REDACTED]. In the Initial Questionnaire the name Alfred was not mentioned as an alternative name of her father and the alias name "Alfred Mark" was not claimed. Finally, the CRT notes that the Bank's records do not show that the Account Owner's name was used as an alias code name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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
9 March 2005