

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]

in re Account of Josef Nadel

Claim Number: 401594/SB¹

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published account of Josef Nadel (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 in 2005 asserting that her paternal great-great-uncle, who was born between 1870 and 1880 in either Poland or Germany, and was married to [REDACTED], owned a Swiss bank account. The Claimant provided limited information regarding her great-great-uncle, stating only that he was Jewish and that he resided for sometime in the early twentieth century in Hamburg, Germany. The Claimant did not indicate where her great-great-uncle resided during the 1930s and the Second World War, but did state her great-great-uncle’s siblings, [REDACTED], [REDACTED] and [REDACTED], and children, [REDACTED], [REDACTED] and [REDACTED], all resided in Germany. The Claimant further stated that her great-great-uncle’s children emigrated to the United States sometime prior to 1939. The Claimant did not indicate her great-great-uncle’s fate. The Claimant indicated that she was born on 25 December 1963 in Syracuse, New York, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Josef Nadel. 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”

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 501531. In a separate decision, the CRT treated the Claimant’s claim to the accounts of Hermann Goldschmidt and Martin Goldschmidt. See *In re Account of Hermann Goldschmidt and Martin Goldschmidt* (approved on 9 November 2006).

or the “ICEP Investigation”) reported one account whose owner’s name matches 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 1000380

The Bank’s records indicate that the Account Owner was Josef Nadel. The Bank’s records also indicate the Account Owner’s city and country of residence together with the date of opening and closing of the account at issue.

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-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 paternal family resided in Germany and Poland. In contrast, the Bank’s records show that the Account Owner resided in a different country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s great-great-uncle are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT’s conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
19 March 2007