

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial upon Request for Reconsideration

to Claimant [REDACTED]

Claimed Account Owners: Louis Nagel and Ralph Nagel

Claim Numbers: 003258/MC
Appeal Number: 3129

This Certified Denial upon Request for Reconsideration is based on the claim of [REDACTED] (the “Claimant”) to Swiss bank accounts potentially owned by the Claimant’s relatives Louis Nagel and Ralph Nagel (the “Claimed Account Owners”).

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.

Procedural History

In a decision dated 11 November 2008, the Claimant’s claim to the accounts of Louis Nagel and Ralph Nagel was deemed inadmissible for lack of information or documentation regarding the Claimed Account Owners and/or the Claimant’s relationship to the Claimed Account Owners.

In a letter dated 1 February 2009, the Claimant requested reconsideration of the Inadmissibility Decision. The Claimant provided additional information in support of the Request for Reconsideration, as further described below.

Admissibility of the Request for Reconsideration

According to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), any request for reconsideration must be accompanied by new documentary evidence not previously submitted to the CRT that, if considered, would have led to a different outcome of the claim. Article 30 of the Rules specifies that the Claimants seeking reconsideration should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the decision at issue.

The CRT has determined that the Claimant has satisfied the requirements of Article 30 by submitting new information that directly addresses the conclusions stated in the Inadmissibility Decision.

Information Provided by the Claimant

In support of his request for reconsideration, the Claimant provided further information regarding Louis Nagel and Ralph Nagel. The Claimant stated that Louis Nagel, who resided in Danzig, Germany, and Ralph Nagel, who resided in Hamburg, Germany, were his paternal uncles, and that he lost contact with them after 1939. The Claimant stated that his father's name was [REDACTED], and that his name was originally [REDACTED]. The Claimant explained that as he was transferred from the concentration camp at Plaszow near Krakow to Auschwitz, the spelling of his name was recorded as [REDACTED] instead of Nagel. The Claimant stated that when he later came to the United States in 1949, he kept the spelling as "[REDACTED]."

The CRT's Investigation

The CRT did not locate an account belonging to Ralph Nagel 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.

The CRT matched the name of Louis Nagel to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of this Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding this Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to Claimed Account Owner Louis Nagel.

The CRT's Analysis

Identification of the Account Owners

The list below contains names of account owners that match the name of Claimed Account Owner Louis Nagel and the reasons why the CRT has concluded that this Claimed Account Owner and an account owner are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Louis Nagel (Danzig, Germany)

Account Identification Number: 5033592

Specifically, the Claimant indicated that Louis Nagel, who resided in Danzig, was his paternal uncle and that he lost contact with him after 1939. The Claimant explained that as he was transferred from the concentration camp at Plaszow near Krakow to Auschwitz, the spelling of his name was recorded as Nugiel instead of Nagel. The Claimant stated that when he later came

to the United States in 1949, he kept the spelling as “Nugiel.” The CRT determines that in this case, the information the Claimant provided in support of his request for reconsideration did not plausibly demonstrate that the Claimant’s relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimant identified an exact spelling of the account owner’s name; whether the Claimant was able to provide documentation linking his surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether the Claimant identified the account owner’s name prior to its publication; and/or whether the fate of the Claimant’s relative is consistent with the disposition of the claimed account. The CRT notes that the Claimant did not identify the joint owner of the account, even though this person was closely related to the account owner. The Claimant also did not identify a second city of residence of the account owner. The CRT also notes that the account was awarded to another, unrelated claimant, who definitely identified the account owner as his relative by identifying unpublished information, including the joint account owner and the account owner’s street address and second city of residence.

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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 December 2010