

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Elisabeth Oppenheim

Claim Numbers: 004919/AH; 004920/AH^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Elisabeth (or Elizabeth) Oppenheim, and the accounts of Leon Oppenheim, Emil Oppenheim, Phillip Oppenheim, Michel (or Michael) Oppenheim, and Lea Oppenheim.³ The CRT did not locate an account belonging to Leon Oppenheim, Emil Oppenheim, Phillip Oppenheim, Michel (or Michael) Oppenheim, or Lea Oppenheim 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 Elisabeth Oppenheim (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 father’s cousin, Elisabeth (or Elizabeth) Oppenheim, who was born in Austria, owned a Swiss bank account. The Claimant stated that Elisabeth Oppenheim, who was Jewish, lived at Ringstrasse 10 in Vienna, Austria, and indicated that she was not married. The Claimant further stated that her father, [REDACTED], and his mother left Vienna when he was a young child, and had no further contact with their relatives in

¹ According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimant in one proceeding.

² The Claimant submitted two Initial Questionnaires with the Court in 1999 and two Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 004919 and 004920, respectively.

³ In her Claim numbered 004919, the Claimant also claimed the published accounts of Felix Oppenheim. The CRT awarded the claim to these accounts in a separate decision. See *In re Accounts of Felix Oppenheim* (approved 5 May 2003).

the Oppenheim family in Vienna. The Claimant's representative, her daughter [REDACTED], stated in a telephone conversation with the CRT on 2 July 2002, that her mother does not know Elisabeth Oppenheim's fate. The Claimant indicated that she was born on 15 February 1917 in Romania.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Leon Oppenheim, Emil Oppenheim, Philipp Oppenheim, Michel (or Michael) Oppenheim and Lea Oppenheim.

The Claimant submitted documents in support of her application, including the Claimant's marriage certificate indicating her maiden name.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to her relative, Elisabeth Oppenheim. The auditors who carried out 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 5030384

The Bank's records indicate that the Account Owner was Elisabeth Oppenheim, who resided in Kufstein, Austria. Furthermore, the Bank's records indicate the date of closing of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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. Although the name of her father's cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that Elisabeth Oppenheim lived in Vienna and provided her street address. In contrast, the Bank's records show that the Account Owner resided in Kufstein, located over 380 kilometers away from Vienna. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father's cousin 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
28 September 2004