

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Josef Ortner**

Claim Numbers: 218477/SB<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the published accounts of Josef Ortner (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 his maternal grandfather, Josef Ortner, who was born on 15 May 1872 and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his grandfather, who was Jewish, resided in Michalany, Czechoslovakia (today Slovakia), where he owned a petroleum refinery. The Claimant further stated that his grandfather died in approximately 1935 and that the surviving members of his family perished in the Holocaust. The Claimant indicated that he was born on 8 June 1919 in Presov, Czechoslovakia.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Josef Ortner.

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<sup>1</sup> The Claimant submitted two additional claims, which are registered under the Claim Numbers 218476, 401932 and a claim to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department, numbered B-01544, on 16 November 1998. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600062. The CRT treated this claim in a separate determination, and will treat the remaining claims in separate determinations.

<sup>2</sup> 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 Numbers 218476 and 218477.

## **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his grandfather. 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" or the "ICEP Investigation") reported two accounts whose owner's name matches that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

### Accounts 1010823 and 1010824

The Bank's records indicate that the Account Owner was Josef Ortner, who resided in Austria. The Bank's records also indicate the Account Owner's cities of residence and profession. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts 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 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 his relative. Although the name of his grandfather matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his grandfather resided in Michalany, Czechoslovakia until his death in 1935. In contrast, the Bank's records show that the Account Owner resided in Austria and that he opened one of the accounts at issue many years after the Claimant's grandfather's death. 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 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 his 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  
3 March 2006