

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Klara Oster

Claim Number: 400909/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Klara Oster (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 his aunt, Klara Oster, who was born in Germany and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, resided in Bad Godesberg, Germany until her deportation to Theresienstadt in 1941. The Claimant further stated that [REDACTED] died in 1937 and that his aunt died in 1943 in Auschwitz. The Claimant indicated that he was born on 5 November 1928 in Cologne, Germany.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Klara Oster. 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 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.

¹ The Claimant submitted six additional claims, which are registered under the Claim Numbers 202870, 400914, 400923, 400928, 500286 and 500287. In a separate decision, the CRT awarded the accounts of Katherina Haas to the Claimant. See *In re Accounts of Katherina Haas* (approved on 8 August 2004). The CRT will treat the remaining claims in separate determinations.

Account 1010827

The Bank's records indicate that the Account Owner was Klara Oster. The Bank's records also indicate the Account Owner's marital status, city and country of residence and the date of 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 his relative. Although the name of his aunt 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 his aunt became a widow in 1937, which is inconsistent with the Account Owner's marital status as indicated in the Bank's records. Further, the CRT notes that the Claimant stated that his aunt resided in Bad Godesberg, Germany, whereas the Bank's records indicate that the Account Owner resided in another city, which is over 200 kilometers from Bad Godesberg. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt 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 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
19 March 2007