

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Joseph Bieler

**in re Account of Rosa Palmada-Steiner
and
Account of Rosa Steiner
and
Accounts of Martin Steiner
(Power of Attorney Holder Rosa Steiner)¹**

Claim Number: 208760/MD/AX²

This Certified Denial is based on the claim of Joseph Bieler (the “Claimant”) to the accounts of Rosa Steiner and Max Bieler. The CRT did not locate an account belonging to Max Bieler 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 Rosa Palmada-Steiner (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Rosa Steiner (“Account Owner 2”), and to the published accounts of Martin Steiner (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his half-sister, Rosa Steiner, née Bieler, who was born in Poland, and was married to Julius Steiner, owned a Swiss bank account. The Claimant stated that Rosa Steiner was his half-sister from his father’s first marriage, and that she owned a hat store in Vienna, Austria, where she lived on Margaretenstrasse. The Claimant explained that his half-sister, who was Jewish, fled from Austria to Paris, France, to escape Nazi persecution. The Claimant added that his half-sister probably later emigrated to Bolivia. The

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² 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 Number 208760.

Claimant also stated that he lost contact with Rosa Steiner during the Second World War, and that her fate is unknown to him. The Claimant indicated that he was born on 3 September 1918 in Vienna, Austria.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Rosa Steiner. The auditors who carried out the ICEP Investigation reported four accounts whose owners' or power of attorney holder's names match that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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.

Account 2016659

Bank 1's records indicate that Account Owner 1 was Rosa Palmada-Steiner. Bank 1's records also indicate Account Owner 1's year of birth.

Account 5023831

Bank 2's records indicate that Account Owner 2 was Rosa Steiner, who resided in Vienna, Austria, and that the Power of Attorney Holder was Johann Steiner. Bank 2's records also indicate Account Owner 2's maiden name, her husband's name, and her street address. Furthermore, Bank 2's records contain the signatures of Account Owner 2 and Power of Attorney Holder Johann Steiner.

Accounts 5023938, 5023938.1, 5024482

Bank 2's records indicate that Account Owner 3 was Martin Steiner, who resided in Innsbruck, Austria, and that the Power of Attorney Holders were Gabriele Kowler-Steiner and Rosa Steiner. Bank 2's records also contain the street addresses of Account Owner 3 and of the Power of Attorney Holders. Furthermore, Bank 2's records indicate the name of Power of Attorney Holder Rosa Steiner's husband. Finally, Bank 2's records contain signatures of Account Owner 3 and the Power of Attorney Holders.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Account 2016659, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his half-sister is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant did not indicate that his half-sister might have used any family names other than Bieler and Steiner before the Second World War. The Claimant did not identify the name "Palmada" which is Account Owner 1's additional last name. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's half-sister are the same person.

As for Account 5023831, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name and place of residence of his relative match the published name and place of residence of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his half-sister's maiden name was Bieler, and that she was married to Julius Steiner. In contrast, Bank 2's records show that Account Owner 2 had a different maiden name and that her husband's name was not Julius Steiner. Furthermore, the street address of Account Owner 2 does not match the address used by the Claimant's relative. Consequently, the CRT is unable to conclude that Account Owner and the Claimant's half-sister are the same person.

As for Accounts 5023938, 5023938.1 and 5024482, the CRT concludes that the Claimant has not identified Power of Attorney Holder Rosa Steiner as his relative. Although the name of his half-sister matches the published name of Power of Attorney Holder Rosa Steiner, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder Rosa Steiner available in Bank 2's records. Specifically, the Claimant stated that his half-sister was married to Julius Steiner and lived in Vienna, Austria, and later in Paris, France. In contrast, Bank 2's records show that Power of Attorney Holder Rosa Steiner resided in a different city in Austria, and that her husband had a different name than Julius Steiner. In addition, the CRT notes that the Claimant did not identify Account Owner 3 as his relative. Moreover, it should be noted that the CRT awarded the account to a claimant who plausibly identified Account Owner 3 and the Power of Attorney Holders as his relatives. All decisions are published upon release on the CRT's website at www.crt-ii.org.

The CRT also notes that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After the power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 1's and Bank 2's records that the Power of Attorney Holder and the Account Owner were related.

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 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
30 September 2004