

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Dora Pollak

Claim Numbers: 201375/MC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Dora Pollak (the “Account Owner”) at the [REDACTED] (the Bank).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.

The December 2002 Award

On 7 August 2003, the Court approved an Award to the Claimant for a custody account held by the Account Owner at the Bank (the “August 2003 Award”). In the August 2003 Award, the CRT reserved decision with regard to a demand deposit account held by the Account Owner. This Certified Denial addresses the account upon which decision was reserved in the August 2003 Award.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Dora Pollak, née Taussig, who was born in Hlinsko, Czechoslovakia, on 19 May 1902, and was married to [REDACTED]. The Claimant stated that he is his parents’ only child. According to the Claimant, his mother resided in Hlinsko and at some point, moved to Vienna, Austria, where she lived on Rathausstrasse until 1938. The Claimant further stated that his mother, who was Jewish, fled to the United States after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). The Claimant indicated that his mother and his father passed away in New York on 13 February 2000, and in 1978, respectively. In support of his claim, the Claimant submitted documents including his mother’s birth and death certificates, his own birth certificate and his mother’s will.

The Claimant indicated that he was born on 8 September 1933 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of a customer card. According to this record, the Account Owner was Mrs. (*Frau*) Dora Pollak of Vienna. The Bank's record indicates that the Account Owner held one demand deposit account and one custody account, numbered L7463. The demand deposit account was closed on 27 February 1938 and the custody account was closed on 17 March 1938. The amounts in the accounts on the dates of their closure are unknown. As noted above, the custody account was awarded to the Claimant in the August 2003 Award.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owner. His mother's name matches the unpublished name of the Account Owner. The Claimant stated that his mother resided in Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted his own birth certificate, showing that his mother was Dora Pollak, which is independent verification that the person who is claimed to be the Account Owner resided in Vienna and is related to the Claimant. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that she fled Austria following the *Anschluss*.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is Dora Pollak's only child.

The Issue of Who Received the Proceeds

The August 2003 Award reserved decision pending further consideration by the CRT for one demand deposit account. The Bank's record indicates that the demand deposit account was closed on 27 February 1938. The CRT notes that this account was closed prior to the *Anschluss*. Therefore, the CRT concludes that the Account Owner closed this account and received the proceeds himself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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
30 August 2010