

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of E. Pollak
and
Accounts of Maria Schon and Wilhelm Schon
(Power of Attorney Holder E. Pollak)¹**

Claim Number: 215873/SB²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Erzsebet Gyarfás, née Pollak.³ This Denial is to the published accounts of E. Pollak (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published accounts of Maria Schon and Wilhelm Schon (“Account Owner 2” and “Account Owner 3”), over which E. Pollak (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (“Bank 2”).⁴

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 mother, Erzsebet Gyarfás, née Pollak, who was born on 6 December 1903 in Arad (today Romania), and married [REDACTED] in April 1931 in Paris, France, owned a Swiss bank account. The Claimant stated that her mother,

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 the same as that of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted three Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 215873. In the Initial Questionnaires, the Claimant claimed an account belonging to Imre Gyarfás. The CRT will treat the claim to this account in a separate determination.

³ The CRT did not locate an account belonging to Erzsebet Gyarfás or Erzsebet Pollak 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”).

⁴ In this claim, the Claimant also claimed the account of Josef Pollak. The CRT will treat the claim to this account in a separate determination.

who was Jewish, resided in Paris until 1935 and from 1938, in Budapest, Hungary until 1943, when she was deported to Bergen-Belsen, where she perished. The Claimant indicated that she was born on 27 May 1938 in Budapest.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Erzsebet Gyarfás, née Pollak. 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 seven accounts whose owner's or power of attorney holder's names match 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 1009066 to 1009069

Bank 1's records indicate that Account Owner 1 was E. Pollak, who resided in France. Bank 1's records also indicate Account Owner 1's cities of residence in France and the dates of closing of the accounts at issue.

Accounts 5024817, 5033899 and 5033900

Bank 2's records indicate that Account Owner 2 was Maria Schon and Account Owner 3 was Wilhelm Schon, who resided in Vienna, Austria, and that the Power of Attorney Holder was E. Pollak. Bank 2's records also indicate Account Owner 2's and Account Owner 3's street address in Vienna, and the Power of Attorney Holder's gender, city and country of residence.

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 Owners

As for Accounts 1009066 to 1009069, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother matches the published first name initial and last name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated her mother resided in Budapest, Hungary, from 1938 until her deportation in 1943. In contrast, Bank 1's records show that Account Owner 1 resided in France after 1938. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Accounts 5024817, 5033899 and 5033900, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her mother matches the published first name initial and last name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in Bank 2's records. Specifically, the CRT notes that the Claimant claimed an account belonging to her mother. In contrast, Bank 2's records show that the Power of Attorney Holder was male. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's mother are the same person. In addition, the CRT notes that the Claimant did not identify Account Owner 2 or Account Owner 3 as her relatives, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a 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 Account Owner 2 or Account Owner 3, as her relative, the Claimant would not have been entitled to the account unless there was evidence in Bank 2's records that the Power of Attorney Holder was related to Account Owner 2 or Account Owner 3.

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 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
8 August 2006