

# 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 Karl Pollak<sup>1</sup>  
and  
Accounts of Carl Pollak**

Claim Number: 600041/AK<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Karol Pollak. This Denial is to the published accounts of two individuals named Karl Pollak (“Account Owner 1” and “Account Owner 2,” respectively), and to the unpublished accounts of Carl Pollak (“Account Owner 3”), all at the [REDACTED] (the “Bank”).<sup>3, 4</sup>

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 owners, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Karol Pollak, who was born on 6 April 1886 in Topolcany, Austro-Hungary (later Czechoslovakia, today Slovakia), and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a businessman,

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<sup>1</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Karl Pollak is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that these accounts were not owned by the same individual, but instead by two individuals named Karl Pollak.

<sup>2</sup> The Claimant submitted a claim, numbered B-00806, on 9 April 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600041.

<sup>3</sup> The CRT did not locate an account belonging to Karol 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”).

<sup>4</sup> In this claim, the Claimant also claimed an account of Terezia Pollak. The CRT will treat the claim to this account in a separate determination.

and that he resided and owned a business in Topolcany. The Claimant further stated that her parents were both shot to death by Nazis in September 1944 in Nemcice, Slovakia. The Claimant indicated that she was born on 9 October 1924 in Topolcany.

The Claimant submitted documents in support of her application, including a translation of her birth certificate, indicating that her father was Karol Pollak.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Karol 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 five accounts whose owners' 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.

#### Account 5024023

The Bank's records indicate that Account Owner 1 was Karl Pollak, who resided in Vienna, Austria. The Bank's records also indicate the name and city and country of residence of another individual who jointly held the account at issue with Account Owner 1.

#### Account 5023958

The Bank's records indicate that Account Owner 2 was Karl Pollak, who resided in Vienna, Austria. The Bank's records also indicate the year in which Account Owner 2 was born, his date of death, and the name of his spouse.

#### Accounts 5025150, 5027516, 5032637

The Bank's records indicate that Account Owner 3 was Carl Pollak. The Bank's records also indicate Account Owner 3's professional title, his city and country of residence, and the name of another individual who jointly held the account at issue with Account Owner 3.

### **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 Account 5024023, the CRT concludes that the Claimant has not identified Account

Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her father resided in Czechoslovakia. In contrast, the Bank's records show that Account Owner 1 resided in Vienna, Austria. Moreover, the CRT notes that the Claimant failed to identify the individual who jointly held the account with Account Owner 1, even though that person appears to be related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5023958, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her father was born in 1886, resided in Czechoslovakia, was married to [REDACTED], née [REDACTED], and was killed in 1944. In contrast, the Bank's records show that Account Owner 2 was born in a different year, resided in a different country, was married to a different spouse, and died during a different year. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5025150, 5027516, and 5032637, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in the Bank's records. Specifically, the Claimant stated that her father resided in Czechoslovakia. In contrast, the Bank's records show that Account Owner 3 resided in a different country. Moreover, the CRT notes that the Claimant failed to identify the individual who jointly held the account at issue with Account Owner 3, even though that individual appears to be related to Account Owner 3, and that the Claimant also did not identify Account Owner 3's professional title. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father 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 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 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  
21 September 2005