

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of M. J. Pollak

Claim Numbers: 601585/WM; 670023/WM^{1, 2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to an account of Magda Pollak.³ This Denial is to the published account of M. J. Pollak (the “Account Owner”) at the [REDACTED] (the “Bank”).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 two claims to the Holocaust Claims Processing Office (“HCPO”) in 1999, asserting that his aunt, Magda Pollak, who was born on 14 July 1903 in Vienna, Austria, owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, resided in Vienna until 1942, when she was deported by the Nazis to the Izbica concentration camp, where she perished. The Claimant indicated that he was born on 19 July 1941 in Philadelphia, Pennsylvania, the United States.

¹ The Claimant submitted two corresponding claims, numbered B-01713 and I-01607, on 4 February 1999 and 12 March 1999, respectively, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. These claims were referred by the HCPO to the CRT and have been assigned Claim Numbers 601585 and 670023, respectively.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

³ The CRT did not locate an account belonging to Magda 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.

⁴ In these claims, the Claimant also claimed accounts belonging to Elsa Pollak, Felix Pollak, and Julius Figdor. In a separate decision, the CRT awarded the account of *Julius Figdor & Sohn*. See *In re Account of Julius Figdor & Sohn* (approved on 2 January 2003). The CRT treated the claims to the remaining accounts in separate determinations.

Information Available in the Bank's Records

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

Account 5031149

The Bank's records indicate that the Account Owner was M. J. Pollak, who resided in Paris, France.

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 first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that his aunt resided in Vienna until 1942, when she was deported to the Izbica concentration camp, where she perished. In contrast, the Bank's records indicate that the Account Owner resided in Paris, France. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt 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, 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 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
3 March 2006