

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of R. Pollak
and
M. J. Pollak**

Claim Number: 601486/SJ¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to an account of Mayer Pollak or Rosalia Pollak. This Denial is to the published account of M. J. Pollak (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of R. Pollak (“Account Owner 2”) at the [REDACTED] (“Bank 2”).²

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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her uncle, Mayer Pollak, who was born on 7 September 1889 in Mukacevo, Austria-Hungary (later Czechoslovakia, today Ukraine), and his wife, Rosalia Pollak (the sister of the Claimant’s mother), to whom he was married in 1918, owned a Swiss bank account. The Claimant indicated that her aunt and uncle, who were Jewish, resided in Mukacevo and Levoca, Czechoslovakia, where they owned a wholesale and retail confectionery business. The Claimant indicated that her aunt informed her that deposits were made into a Swiss bank. Finally, the Claimant indicated that her aunt and uncle were deported to Poland, where they perished in 1942. In support of her claim, the HCPO, on the Claimant’s behalf, submitted documents from the State Archive in Levoca, Slovak Republic, regarding a grocery store owned by Mayer Pollak.

¹ The Claimant submitted a claim, numbered B-01071, on 6 July 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 601486.

² The CRT did not locate accounts belonging to Mayer Pollak or Rosalia 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”).

These documents do not refer to any assets held in Switzerland. The Claimant indicated that she was born on 17 December 1920 in Presov, Czechoslovakia.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Mayer and Rosalia 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 two accounts whose owners' names match those 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 5031149

Bank 1's records indicate that Account Owner 1 was M. J. Pollak, who resided in Paris, France.

Account 4021630

Bank 2's records indicate that Account Owner 2 was R. Pollak, who resided in Romania. Bank 2's records also indicate Account Owner 2's title and gender, as well as a connection to another city outside of Romania.

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 5031149, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle matches the published name of Account Owner 1, the information provided by the Claimant differs from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her uncle resided in Czechoslovakia. In contrast, Bank 1's records show that Account Owner 1 resided in Paris, France. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 4021630, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her aunt matches the published name of Account Owner 2, the information provided by the Claimant differs from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant

stated that her aunt resided in Czechoslovakia. In contrast, Bank 2's records show that Account Owner 2 was a man, that he resided in Romania and that he had a connection to second country other than Czechoslovakia. Consequently, the CRT is unable to conclude that Account Owner 2 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, or the alternative surname of the Account Owner identified above, 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