

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of L. Rappolt-Fischer
and
Accounts of Ernst Fischer
(Power of Attorney Holder L. Fischer)**

Claim Numbers: 203188/AX; 601207/AX^{1,2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Louis (Lajos) Fischer. This Denial is to the published account of Ernst Fischer (“Account Owner 1”), over which L. Fischer (“the Power of Attorney Holder”) held power of attorney, and the published account of L. Rappolt-Fischer (“Account Owner 2”), both at the [REDACTED] (“the Bank”).^{3,4}

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 and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Louis (Lajos) Fischer, who was born in June 1898 in Hungary, and was married to [REDACTED], née [REDACTED], in 1928, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Budapest, Hungary, where he worked as a silversmith. The Claimant further stated that her father was deported to

¹ The Claimant submitted a claim, numbered B-00012, on 17 September 1997, 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 601207.

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 Louis (Lajos) Fischer 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 this claim, the Claimant also claimed the accounts of businesses named Fischer Goldsmith and Fischer Silversmith. The CRT will treat the claim to these accounts in a separate determination.

Auschwitz, where he perished in September 1944. The Claimant indicated that she was born on 23 February 1930 in Budapest.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Lajos Fischer.

The Claimant submitted documents in support of her claim, including her birth certificate, indicating that her parents' were Lajos Fischer and [REDACTED], née [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Louis Fischer. 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 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.

Account 5023672

The Bank's records indicate that Account Owner 1 was Ernst Fischer, who resided in Vienna, Austria, and that the Power of Attorney Holder was L. Fischer. The Bank's records also indicate the Power of Attorney Holder's relationship to Account Owner 1, and Account Owner 1's street address. In addition, the Bank's records indicate the Power of Attorney Holder's full name and gender, and the Power of Attorney Holder's city and country of residence and street address. Furthermore, the Bank's records indicate the date on which the power of attorney was signed. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

Account 5027610

The Bank's records indicate that Account Owner 2 was L. Rappolt-Fischer. The Bank's records further indicate Account Owner 2's gender, and city and country of residence.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners and the Power of Attorney Holder

As for Account 5023672, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her father matches the published first 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 the Bank's records. Specifically, the Claimant claimed an account of her father, Louis (Lajos) Fischer. In contrast, the Bank's records indicate that the Power of Attorney Holder was a woman and had a different name. In addition, the CRT notes that the Claimant did not identify Account Owner 1, who was closely related to the Power of Attorney Holder. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's father are the same person.

As for Account 5027610, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father matches the published first initial and last name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant claimed the account of her father, Louis (Lajos) Fischer. In contrast, the Bank's records indicate that Account Owner 2 was a woman. Consequently, the CRT concludes that Account Owner 2 and the Claimant's father are not 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 of the Account Owner identified above, which form 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
31 October 2005