

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Fritz Rosenthal

Claim Number: 209894/MG

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the Claimant) to accounts of Fritz Rosenthal. This Denial is to the published accounts of Fritz Rosenthal (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the unpublished account of Fritz Rosenthal (“Account Owner 2”) at the [REDACTED] (“Bank 2”).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 Form asserting that her maternal grandfather, Fritz Rosenthal, who was born in Paderborn, Germany, and was married to [REDACTED], née [REDACTED], in Dresden, Germany, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, was a merchant who held the title of *Hofrat*. The Claimant further stated that her grandfather resided in Dresden until 1926, when he moved to Berlin, Germany. According to the Claimant, her grandfather perished in Auschwitz. The Claimant indicated that she was born on 21 January 1941 in Lausanne, Switzerland.

The Claimant submitted documents in support of her application, including: (1) her mother’s birth certificate; and (2) her mother’s marriage certificate, which indicates the name of her father, Fritz Rosenthal.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Fritz Rosenthal. 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 four 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.

Accounts 1010940, 1010941, 1010942

Bank 1's records indicate that Account Owner 1 was Fritz Rosenthal, who resided in Germany. Bank 1's records also indicate the Account Owner's city of residence. Furthermore, the Bank's records indicate the date of opening of one of the accounts at issue and the dates of closing of all of the accounts at issue.

Account 4019974

Bank 2's records indicate that Account Owner 2 was Fritz Rosenthal. Bank 2's records also indicate the Account Owner's city and country of residence. Furthermore, the Bank's records indicate the date of opening of the account at issue.

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 1010940, 1010941 and 1010942, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published 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 that her grandfather, who was born in Paderborn, Germany, resided until 1926 in Dresden, Germany, and then in Berlin, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a different city, which is more than 200 kilometers from Dresden or Berlin and which was not identified by the Claimant. The CRT notes that the Claimant's grandfather's cities of residence and the city of residence of Account Owner 1 are large urban centers that lie in different regions of Germany, rendering it unlikely that a person who resided in one would use the other as an address, even for the purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Account 4019974, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather matches the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her grandfather resided in Germany. In contrast, Bank's records show that Account Owner 2 resided in a different country, which was not identified by the Claimant and to

which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 2 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
6 May 2006