

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Majer Rothenberg

Claim Number: 204161/PY/MG; 601021/PY/MG^{1, 2, 3, 4}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Mayer (Meyer) Shulim (Shalom) Rosenberg (also spelled Rozenberg or Rottenberg). The CRT did not locate an account belonging to Mayer (or Meyer) Shulim (or Shalom) Rosenberg (or Rozenberg or Rottenberg) 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”). This Denial is to the published accounts of Majer Rothenberg (“the Account Owner”) at the [REDACTED] (“the Bank”).

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 are 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 maternal uncle, Mayer (Meyer) Shulim (Shalom) Rosenberg (also spelled Rozenberg or Rottenberg), who was born in 1905 in Botchku Mare, Czechoslovakia, and

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted a claim, numbered B-00029, on 18 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 601021.

³ 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.

⁴ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 204161.

was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, resided at Lange van Roesbruckstraat 12 in Antwerp, Belgium. The Claimant stated that her uncle was a diamond trader in Belgium. According to the Claimant, her uncle fled from Belgium to Cuba sometime after 1940. The Claimant stated that her uncle died in 1985 in Bnei Brak, Israel. The Claimant indicated that she was born on 9 December 1929 in Antwerp.

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

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Mayer (Meyer) Shulim (Shalom) Rosenberg (also spelled Rozenberg or Rottenberg). The auditors who carried out the ICEP Investigation reported two accounts whose owner's name is substantially similar to 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.

Accounts 5024171, 5029587

The Bank's records indicate that the Account Owner was Majer Rothenberg, who resided in Breslau, Germany. The Bank's records also indicate the Account Owner's street address, as well as the name and street address of a person who held the accounts jointly with the Account Owner. Furthermore, the Bank's records indicate the date of opening of one of the accounts at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her uncle is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Antwerp, Belgium, before fleeing to Cuba. In contrast, the Bank's records show that the Account Owner resided in Breslau, Germany. Furthermore, the Claimant did not identify the person who held the accounts jointly with the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 claims 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
13 October 2004