

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Osias Rupp

Claim Numbers: 217662/AX; 600026/AX^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Osias Rupp (the “Account Owner”) at a Swiss 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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her husband, Osias Rupp, who was born on 11 June 1910 in Mukacevo, Czechoslovakia, and was married on 1 March 1977 in Montreal, Canada. The Claimant indicated that her husband, who was Jewish, was a businessman in the fur trade, and that he resided in Mukacevo before the Second World War. The Claimant further indicated that her husband was detained by Nazis in 1942, and required to perform forced labor. The Claimant indicated that her husband died on 14 October 2000 in Montreal.

In support of her claim, the Claimant submitted a copy of a key to a safe deposit box, numbered 1178. The key has writing on it that includes the word “*Zurich.*” The HCPO, on behalf of the Claimant, contacted the manufacturer of the key. The manufacturer forwarded this information to three major banks in Zurich. These banks could not find any evidence of an account belonging to Oasis Rupp.

The Claimant indicated that she was born on 3 March 1921 in Mokcevo.

¹ The Claimant submitted a claim, numbered B-02036, on 27 September 1999, 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 600026.

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 three claims of the Claimant in one proceeding.

Information Available in the Bank's Records

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find any accounts belonging to Osias Rupp.

The CRT's Analysis

Admissibility of the Claims

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").

Basis for the Denial

The CRT notes that the Claimant provided a copy of a safe deposit box key with the notation "Zurich" on the key. The CRT further notes that the HCPO, on behalf of the Claimant, contacted the manufacturer of the key. The manufacturer forwarded this information to three major banks in Zurich. These banks could not find any evidence of an account belonging to Oasis Rupp. Without addressing the authenticity of the key provided by the Claimant, the CRT has determined that the evidence submitted by the Claimant is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. While the CRT has previously awarded accounts to Claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these Claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank. While the CRT bears in mind the difficulties of proving the existence of an account after the destruction of the Second World War, it has determined in this case, because the key provided by the Claimant does not fall into any of the categories discussed above, nor does it indicate an official connection to a Swiss bank or to a Holocaust-era account owned by the Claimant's relative, it is insufficient to support the existence of a bank account. Accordingly, the CRT is unable to make an award to the Claimant based upon this evidence.

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
21 September 2005