

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Judit Karfunkel

in re Account of Francis Sauer

Claim Number: 204148/SB¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Francis Sauer (the “Account Owner”) held at an unknown bank (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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father's cousin, Francis Sauer, owned a Swiss bank account. The Claimant stated that his father’s family lived in Hungary and that his father owned a wholesale hardware store in Szombathely, Hungary. The Claimant further stated that his immediate family was murdered by the Nazis in concentration camps. The Claimant indicated that he was born on 12 June 1923 in Szombathely.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Francis Sauer. The CRT further notes that 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 report an account belonging to Francis Sauer during their investigation of the Bank. The documents evidencing an account belonging to Francis Sauer were obtained from the Swiss Federal Archive

¹ The Claimant submitted a claim, numbered B-01137, on 17 August 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 600063. The Claimant also 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 204148. In the HCPO claim, the Initial Questionnaire and the Claim Form the Claimant claimed an account belonging to Sandor Sauer. The CRT treated the claims to this account in a separate determination.

in Bern, Switzerland, and pertain to accounts reported in a survey conducted pursuant to Swiss Federal legislation requiring the registration of assets dormant since 9 May 1945 held in Switzerland by foreigners or stateless persons known or presumed to have been victims of racial, religious or political persecution (the “1962 Survey”). The account is identified below by its Account Identification Number, which is a number assigned to the account for tracking purposes.

Account 6002067

The Bank’s records indicate that the Account Owner was Francis Sauer. The Bank’s records also indicate the Account Owner’s city and country of residence.

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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his paternal cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant stated that his father’s family resided in Hungary. In contrast, the Bank’s records show that the Account Owner resided in another country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s paternal cousin 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, which 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 his 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
23 February 2006