

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

in re Accounts of Roman J. Schaff

Claim Number: 217177/MD

This Certified Denial is based upon the claim of [REDACTED 1] (the "Claimant") to the published accounts of Roman J. Schaff (the "Account Owner"), over which Irma Schaff (the "Power of Attorney Holder") held power of attorney, at the Zurich branch of 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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form, identifying the Account Owner as his paternal uncle, Roman Schaff (also known as Szaff), who resided in Lwow, Poland (today the Ukraine). The Claimant stated that his uncle was Jewish. The Claimant explained that his father lost contact with his family during the Second World War. In a telephone conversation with the CRT on 11 April 2003, the Claimant explained that his father did not speak about his family, but he believed they died in the Holocaust. The Claimant stated that his father, [REDACTED] died in 1987, and that he does not have any relatives who could have more information about his uncle, and therefore, the Claimant has only limited information about his uncle.

The Claimant indicated that he was born on 3 November 1947 in Lwow. The Claimant is representing his mother, [REDACTED 2], née [REDACTED], who was born on 5 March 1925 in Riga, Latvia, and his sister, [REDACTED 3], who was born on 23 March 1955.

The Claimant's sister, [REDACTED 3], previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Benzion Szaf.¹

Information Available in the Bank's Records

The Bank's records consist of a customer card, a power of attorney form, and printouts from the Bank's database. According to these records, the Account Owner was Roman J. Schaff and the Power of Attorney Holder was Irma Schaff, both of whom resided at ul. Sakramentek 6 in Lwow, Poland. The power of attorney form was signed by the Account Owner and the Power of Attorney Holder in Lwow on 9 April 1932. The Bank's records indicate that the Account Owner changed his address to 46 Sykstuska in Lwow, and later to 5 Poninskiego, also in Lwow.

According to the Bank's records, the Account Owner held a custody account, numbered 35348, which was opened no later than 1932, a demand deposit account, and a time deposit account. The Bank's records show that all accounts held by the Account Owner were closed on 7 February 1939. The amounts in the accounts on the date of their closure are not known.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. The CRT notes that the name Roman Schaff appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (the "ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT further notes that the Claimant's sister filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Benzion Szaff of Lwow, prior to the publication of the ICEP List. This indicates that the Claimant and his sister have based their present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative.² It also indicates that the Claimant and his sister had reason to believe that members of their family owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to these accounts.

¹ The CRT did not locate an account belonging to Benzion Szaff 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"). The CRT will carry out further research on [REDACTED 3]'s claim to determine whether an award may be made based upon the information provided by her or upon information from other sources.

² The CRT notes that the name "Szaff" is a polonized version of the name "Schaff."

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that his father believed that all his relatives had perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting information, demonstrating that the Account Owner was the Claimant's and his sister's paternal uncle, and his mother's brother-in-law. The CRT further notes that the Claimant's sister filed an IQ with the Court in 1999, identifying the last name Szaff and Lwow as the family's place of residence. All of this information supports the plausibility that the Claimant and the relatives whom he represents are related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed on 17 February 1939, over six months before the German invasion of Poland. Consequently, the CRT determines that the Account Owner had free access to his accounts, and concludes that the Account Owner received the proceeds of the claimed accounts.

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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
28 September 2004