

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of *Schenker & Co. Internationale Speditions – AG*

Claim Number 218753/GP¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the account of *Schenker & Company*. This denial is to the published account of *Schenker & Co. Internationale Speditions – AG* (the “Account Owner”).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 his paternal great-uncle, [REDACTED], who was born in Austria-Hungary, and was married to [REDACTED] in Sarajevo, Yugoslavia (now Sarajevo, Croatia), owned and directed a Zagreb-based shipping company named *Schenker & Company*. The Claimant stated that his great-uncle opened a Swiss bank account in his company’s name. The Claimant explained that his great-uncle also had Austro-Hungarian citizenship, and therefore the account may have been opened with an Hungarian address. According to the Claimant, his great-uncle lived at Petrinska 7, Zagreb, Yugoslavia, and his great uncle’s company was located at Ilica 25, Zagreb. The Claimant further stated that [REDACTED], [REDACTED], and their son, [REDACTED], who were all Jewish, perished in a concentration camp in Croatia. The Claimant further indicated that his father, [REDACTED], changed his surname from [REDACTED] to [REDACTED].

The Claimant submitted documents in support of his application including: (1) a letter written on headed paper from *Schenker & Co.* dated 27 September 1935 which indicates the company was based in Zagreb with subsidiary offices in other cities in Yugoslavia; (2) the birth certificate of the Claimant’s grandfather, [REDACTED]; (3) a circumcision announcement issued by

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 218752 and 218753. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 218753.

² In this Claim Form the Claimant also claimed the published account of David Charla Noskes [Zagreb, Yugoslavia]. The CRT will treat the claim to this account in a separate decision.

[REDACTED] and his wife, which indicates that they lived in Sarajevo and had a son; and (4) various letters from [REDACTED] to his relatives in New York, New York, the United States, indicating that he resided in Zagreb. The Claimant indicated that he was born on 25 November 1953 in New York.

Information Available in the Bank's Records

The Bank's records indicate that the Account Owner was *Schenker & Company Internationale Speditions – AG*, which was located in Budapest, Hungary. The Bank's records indicate the account balance and the closing date of the account.

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 great-uncle's company located in Zagreb, Yugoslavia. Although the name of the company matches the published name of the Account Owner, the information provided by the Claimant differs from the published information about the Account Owner available in the Bank's records. Specifically, the Bank's Records indicate that the Account Owner was located in Budapest, Hungary. In contrast, the Claimant indicated that the company belonging to his great-uncle was located in Zagreb, Yugoslavia, and provided a letter on headed paper from the company to support this. The CRT notes that the Claimant explained that his great-uncle also had Austro-Hungarian citizenship, and therefore the published Hungarian address (Budapest) may be attributed to his great-uncle's citizenship. However, the Bank's records indicate that the company was actually located in Budapest, Hungary.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the owner of *Schenker & Company* in Zagreb, Yugoslavia, by submitting specific information and documents, demonstrating that the owner of this company was the Claimant's great-uncle. These documents include correspondence from his great-uncle and great-aunt; and a letter on headed paper from *Schenker & Company* in Zagreb, Yugoslavia.

Entitlement to the Account

According to Article 23 (3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. In this case the Claimant

has established that his great-uncle owned a company called *Schenker & Company* based in Yugoslavia, but did not provide any information or documentation to show that he owned a Hungarian branch of the company. In addition, the Claimant has not established that his great-uncle had any ownership rights over the Account Owner. Therefore, the Claimant is not entitled to the claimed account. Moreover, the CRT notes that there is another claim to this account in which a claimant has correctly identified the Account Owner as being located in Budapest and established that the Account Owner was owned by his relatives. 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 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 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
28 September 2004