

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Moritz Schiff

Claim Numbers: 219149/AE; 601211/AE^{1, 2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Moritz (Mor or Bernard) Schik (Schiff).³ This Denial is to the published account of Moritz Schiff (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 to the CRT and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, Moritz (Mor or Bernard) Schik (Schiff), who was born on 29 November 1896 in Vac, Hungary, and was married to [REDACTED], née [REDACTED], in approximately 1921, owned a Swiss bank account. The Claimant indicated that her father, who was Jewish, owned a wholesale grain, wine and textile business, that her mother traveled frequently, and that she occasionally traveled to Switzerland, where she had friends. The Claimant further indicated that her family resided in Vienna, Austria, from 1921 to 1938, when they fled to Hungary. The Claimant indicated that her family was deported to the Vac ghetto in Hungary in 1938. The Claimant further indicated that in 1944, her parents and

¹ The Claimant submitted a claim, numbered B-01050, on 19 June 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 601211. The Claimant also submitted an Initial Questionnaire with the Court in 1999. The CRT is treating the Initial Questionnaire under the consolidated Claim Number 601211.

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 two claims of the Claimant in one proceeding.

³ In her Initial Questionnaire, the Claimant claimed accounts belonging to Moritz Schik, Malvine Schik, née Schiff, and *Schiff und Söhne*. The CRT did not locate an account belonging to Moritz (Mor or Bernard) Schik, Malvine Schik, née Schiff, or *Schiff und Söhne* 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.

four of her siblings were deported to concentration camps, including Mauthausen and Auschwitz, where they perished. The Claimant indicated that she was born on 12 January 1923 in Vienna.

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

The Claimant submitted documents in support of her application, including her birth certificate, indicating that she was born on 12 January 1923 in Vienna, and that her parents were Moriz Schik and [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her father, Moritz (Mor or Bernard) Schik (Schiff). The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's name matches that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5030491

The Bank's records indicate that the Account Owner was Moritz Schiff, who resided in Oberaltertheim, Germany. The Bank's records further indicate the name and country of residence of a contact person. Furthermore, the Bank's records indicate the dates of opening and closing of the account at issue. Finally, the Bank's records contain the Account Owner's signature.

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").

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 father matches 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 indicated that her father resided in Vienna, Austria, from 1921 to 1938. In contrast, the Bank's records indicate that the Account Owner resided in Oberaltertheim, Germany. Moreover,

the Claimant did not identify the contact person. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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 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
30 September 2005