

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Accounts of Adolf Schindler**

Claim Number: 400404/MG

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Adolf Schindler. This Denial is to the published accounts of two individuals named Adolf Schindler (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and the [REDACTED] (“Bank 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 in 2005, asserting that his brother, Adolf Schindler, who was born in 1924 in Berlin, Germany, owned a Swiss bank account. The Claimant stated that his brother, who was Jewish, resided in Berlin and was killed by Nazis in 1939. The Claimant indicated that he was born on 25 May 1926 in Berlin.

### **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Adolf Schindler. 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 four accounts whose owners’ names match that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Accounts 1012526, 1012527 and 1012528

Bank 1’s records indicate that Account Owner 1 was Adolf Schindler. Bank 1’s records also indicate Account Owner 1’s city and country of residence. Furthermore, Bank 1’s records indicate the dates of opening of all of the accounts at issue and closing of two of the accounts at issue.

## Account 5026876

Bank 2's records indicate that Account Owner 2 was Adolf Schindler. Bank 2's records also indicate Account Owner 2's city and country of residence. Furthermore, Bank 2's records indicate the dates of opening and closing of the accounts at issue. Finally, Bank 2's records contain Account Owner 2's signature

## **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 Owners

As for Accounts 1012526, 1012527 and 1012528, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his brother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his brother resided in Berlin, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's brother are the same person.

As for Account 5026876, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his brother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his brother was born in 1924 and resided in Berlin. In contrast, Bank 2's records show that Account Owner 2 signed bank documents in a year in which the Claimant's brother was only a young child, and resided in another city, which is over 250 kilometers from Berlin. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's brother are the same person.

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different

outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **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 March 2007