

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Joseph Schlanger

Claim Number: 776157/WM¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Joseph Schlanger (the “Account Owner”) at the [REDACTED] (“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 an Initial Questionnaire with the Court in 1999, a claim to the Holocaust Claims Processing Office (“HCPO”), and a Claim Form to the CRT asserting that her father, [REDACTED], who was born on 18 February 1905 in Majdan, Poland, and was married to [REDACTED], née [REDACTED], in 1928 in Strasbourg, France, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Strasbourg until September 1939, when he joined the army. The Claimant further stated that her father was in Nontron-Dordogne, France in 1941, when he was arrested. In addition, the Claimant stated that her father was interned in several slave labor camps until 1943, and subsequently deported by the Nazis to a concentration camp, where he perished. The Claimant indicated that she was born on 31 October 1929 in Strasbourg.

¹ In 1999, the Claimant submitted an Initial Questionnaire (“IQ”), numbered ENG-0231-105, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 776157. In addition, the Claimant submitted a claim, numbered B-02328, on 28 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. Finally, the Claimant subsequently also submitted a Claim Form to the CRT. The IQ, HCPO claim and Claim Form are being treated under the consolidated Claim Number 776157.

The Claimant submitted documents in support of her application, including an extract from Strasbourg's birth registry documenting her birth, which identifies her parents as [REDACTED] and [REDACTED], née [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, [REDACTED]. 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 5034418

The Bank's records indicate that the Account Owner was Joseph Schlanger, who resided in Strasbourg, France. The Bank's records also indicate the Account Owner's home address, marital status, the name of the Account Owner's spouse, the names of other persons who jointly held the account with the Account Owner, and the relationship between the Account Owner and one of those other persons. Finally, the Bank's records contain the signatures of the Account Owner and of the other persons who jointly held the account with the Account Owner.

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 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 unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father was married to [REDACTED], née [REDACTED]. In contrast, the Bank's records show that the Account Owner was married to a different person. The CRT also notes that the Claimant failed to identify the other persons who jointly held the account with the Account Owner, even though they appear to be related to the Account Owner. 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 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 her 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
21 September 2005