

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1]

and [REDACTED 2]

## **in re Accounts of Ernst Schlesinger**

Claim Numbers: 204884/SB; 209518/SB<sup>1</sup>

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Ernst Schlesinger (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 have been redacted.

### **Information Provided by the Claimants**

The Claimants, who are siblings, each submitted a Claim Form asserting that their father, Ernst Schlesinger, who was born on 20 November 1892, in Lublitz, Germany (now Lubliniec, Poland), and was married to [REDACTED] on 8 November 1925 in Cologne, Germany, owned a Swiss bank account. The Claimants stated that their father, who was Jewish, resided in Berlin, Germany until 1925, when he moved to Cologne, where he resided until 1936. The Claimants explained that their father worked in Cologne as a gynecologist, where he also had his own surgical practice, and that he fled Cologne in 1936 for Parma, Italy, where he remained until 1939, when he emigrated to Santiago, Chile. The Claimants stated that their father died on 19 January 1970 in Cologne. Claimant [REDACTED 1] stated that he was born on 15 June 1930 in Cologne and Claimant [REDACTED 2] stated that he was born on 9 November 1926, also in Cologne.

The Claimants submitted documents in support of their application, including their respective birth certificates, which indicate that they were born in Cologne.

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<sup>1</sup> 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 Claimants in one proceeding.

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

The CRT notes that the Claimants each submitted a claim to an account belonging to their relative, Ernst Schlesinger. 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 two accounts whose owner's name matches that provided by the Claimants. 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.

### Account 1013774 and 1013775

The Bank's records indicate that the Account Owner was Ernst Schlesinger, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence in Germany and his profession. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue.

## **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 Claimants have not identified the Account Owner as their relative. Although the name of their father matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their father was a gynecologist. In contrast, the Bank's records show that the Account Owner had a different profession. Moreover, the Claimants stated that from 1925 to 1936 their father resided in Cologne, Germany, and from 1936 to 1939 he resided in Parma, Italy. In contrast, the Bank's records show that the Account Owner resided during these years in a city in Germany which is over 450 kilometers from Cologne. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' father are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
23 January 2006