

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Else Schulz
and
Account of Elisabeth Schulz**

Claim Number: 601554/LV¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Elisabeth Deutsch, née Schulz. This Denial is to the published accounts of Else Schulz (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Elisabeth Schulz (“Account Owner 2”) at the [REDACTED] (“Bank 2”).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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her sister-in-law, Elisabeth Deutsch, née Schulz, who was born in Pancevo, Serbia (later Yugoslavia, now Serbia and Montenegro), and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her sister-in-law resided in Pancevo, where she and her husband managed a family-owned shipping company until 1937 or 1938. The Claimant stated further that the Claimant’s late husband, [REDACTED], subsequently assumed management of the company, that the company was sold to the British government in 1940, and that the proceeds from the sale were deposited into Swiss bank accounts. The Claimant stated that her sister-in-law, who was Jewish, fled to Hungary in the early 1940s. The Claimant indicated that she was born on 23 October 1922 in Vienna, Austria.

¹ The Claimant submitted a claim, numbered B-00392, on 3 December 1997, 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 601554.

² The CRT did not locate an account belonging to Elisabeth Deutsch, 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 Governing the Claims Resolution Process, as amended (the “Rules”). In this claim, the Claimant also claimed the account of George Schulz. The CRT will treat the claim to this account in a separate determination.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by George Schulz. The HCPO submitted documents on the Claimant's behalf, relating to the research that office conducted on behalf of the Claimant. None of these documents relates to the accounts at issue.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Elisabeth Deutsch, née Schulz. 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 three 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 5033927 and 5033923

Bank 1’s records indicate that Account Owner 1 was Else Schulz, née Bierbrauer, who resided in Bielefeld, Germany. Bank 1’s records also indicate that Account Owner 1's street address. Bank 1’s records further indicate that Account Owner 1 jointly held one account with one other individual and one account with two individuals. Bank 1’s records also indicate the relationships between Account Owner 1 and the persons with whom she jointly held the accounts. Finally, Bank 1’s records contain Account Owner 1's signature.

Account 1000977

Bank 2’s records indicate that Account Owner 2 was Elisabeth Schulz. Bank 2’s records also indicate Account Owner 2's maiden name.

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 5033923 and 5033927, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her sister-in-law matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1’s records. Specifically, the Claimant stated that her sister-in-law’s maiden name was Schulz and that she resided in Yugoslavia and later fled to Hungary in the early 1940s. In contrast, Bank 1’s records

show that Account Owner 1's maiden name was Bierbrauer and that she resided in Bielefeld, Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's sister-in-law are the same person.

As for Account 100977, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her sister-in-law matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her sister-in-law's maiden name was Schulz. In contrast, Bank 2's records show that Account Owner 2 had a different maiden name. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's sister-in-law are the same person.

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed this claim carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Elisabeth Deutsch, née Schulz's surnames, which include Schultz, Schulze and Dénes-Deutsch, and has determined that these accounts do not belong to the Claimant's relative.

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 Numbers, or the alternative surnames of the Account Owner identified above, which form 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
31 October 2005