

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of A. Schwarz

Claim Number: 600181/WM^{1, 2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the accounts of Adolf (Adofe) Schwarz or Bela Wollstein.³ This Denial is to the published account of A. Schwarz (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 Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) in 1997 asserting that her grandfather, Adolf Schwarz, who was born in approximately 1879 in Sarvar, Hungary, and was married to [REDACTED], née [REDACTED], owned a Swiss bank account. The Claimant stated that her grandparents, who were Jewish, resided in Sarvar, until 1944, when her grandfather and other members of his family were deported to Auschwitz, where they perished. The Claimant stated that she was also deported to Auschwitz, but managed to survive the Holocaust. The Claimant indicated that she was born on 7 February 1929 in Budapest, Hungary.

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

The Claimant submitted documents in support of her application, including: (1) a copy of an ownership record issued by the municipality of Sarvar in 1992, indicating that Adolf Schwarz and [REDACTED] purchased property in Sarvar in 1915; (2) a copy of a property ownership

¹ The Claimant submitted a claim, numbered B-00050, on 22 September 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 600181.

² The Claimant submitted an Initial Questionnaire with the Court in 1999. The CRT is treating the Initial Questionnaire under the consolidated Claim Number 600181.

³ The CRT will treat the claim to the account of Bela Wollstein in a separate determination.

record issued by the municipality of Sarvar in 1962, indicating that Adolf Schwarz and [REDACTED] owned certain properties in Sarvar; and (3) a copy of her own birth certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her grandfather, Adolf Schwarz. 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 or power of attorney holder's names match those 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 1011299

The Bank's records indicate that the Account Owner was A. Schwarz, who resided in Germany. The Bank's records also indicate the date of birth of 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 Owners

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the first initial and last name of her grandfather match the published first initial and last 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 stated that her grandfather was born in approximately 1879. In contrast, the Bank's records indicate that the Account Owner was born on a different date. Moreover, the Claimant provided documents issued by the municipality of Sarvar indicating that her grandfather conducted business transactions prior to the Account Owner's date of birth. Furthermore, the Claimant indicated that her grandfather resided in Hungary. In contrast, the Bank's records indicate that the Account Owner resided in a different country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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