

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Katalin Toth

**in re Account of Eugen Schwarz  
and  
Account of E. Schwarz  
and  
Account of Rosa Berger**

Claim Numbers: 200494/SJ, 601181/SJ<sup>1, 2, 3, 4</sup>

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Eugen (Jenö) Schwarz and Róza (Zoltanne) Berger, née Schlésinger. This Denial is to the unpublished account of Eugen Schwarz (“Account Owner 1”) at the [REDACTED] (“Bank 1”), the published account of E. Schwarz (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and the account of Rosa Berger (“Account Owner 3”) at the [REDACTED] (“Bank 3”).

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.

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<sup>1</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 200494 and 213191. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 200494.

<sup>2</sup> The Claimant submitted a claim, numbered B-00343, on 24 November 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 601181.

<sup>3</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 Claimant in one proceeding.

<sup>4</sup> The Claimant submitted Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 200494. The Claimant claimed accounts belonging to Jenö Schwartz, an alternate name to Eugen Schwartz, and Zoltanne Berger, an alternate name to Roza Berger. The CRT did not locate an account belonging to Jenö Schwartz or Zoltanne Berger 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”).

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that her late husband, Eugen (Jenő) Schwarz, who was born on 20 December 1900 in Budapest, Hungary, and was married to the Claimant on 28 December 1932, owned a Swiss bank account. The Claimant stated that her husband, who was Jewish, resided at Eisenacherstrasse 90 in Berlin, Germany between 1932 and 1941 and at Arnay Janos utca 18 in Szombathely, Hungary between 1941 and March 1944. The Claimant also stated that her late husband was an industrialist who owned a factory in Budapest that manufactured silver products. According to information from the Claimant, her husband was deported to a labor camp in Felixdorf, Austria, where he perished on 28 February 1945. The Claimant indicated that she was born on 5 March 1913 in Szombathely to [REDACTED] and Róza Berger.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an HCPO claim form in 1997 asserting her entitlement to a Swiss bank account owned by her husband Jenő (Eugen) Schwarz and her mother, Róza (Zoltanne) Berger, née Schlésinger. The Claimant indicated that Róza Berger, who was born on 13 January 1881, was married to [REDACTED], and that the couple resided in Szombathely. The Claimant stated that her mother was Jewish and that she perished at the concentration camp in Auschwitz in July 1944.

The Claimant submitted documents in support of her application, including: (1) her marriage certificate, which indicates that she was married to Jenő Schwarz; and (2) the birth certificate of her son, [REDACTED], which indicates that the Claimant and her late husband were residing in Szombathely at the time of his birth in 1943.

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

The CRT notes that the Claimant submitted claims to an account belonging to her relative, Eugen Schwarz and Róza (Zoltanne) Berger. 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 those 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.

### Account 3016879

Bank 1's records indicate that Account Owner 1 was Eugen Schwarz. Bank 1's records also indicate Account Owner 1's countries of residence, and his city of residence and street addresses in one of his countries of residence, as well as the name of the person who held power of attorney over the account (the "Power of Attorney Holder"), and who appears to be related to Account Owner 1. Finally, the Bank's records contain the Account Owner 1's and the Power of Attorney Holder's signature.

### Account 4021075

Bank 2's records indicate that Account Owner 2 was E. Schwarz. Bank 2's records also indicate Account Owner 2's title. Furthermore, Bank 2's records indicate the date of closing of the account at issue.

### Account 5024471

Bank 3's records indicate that Account Owner 3 was Rosa Berger of Vienna, Austria, who held the account jointly with another individual, who appears to be closely related to Account Owner 3. Bank 3's records also indicate the date on which the joint account was opened. Finally, the Bank's records contain the Account Owner 3's signature.

## **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 Owners

As for Account 3016879, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her late husband matches the unpublished name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her husband resided in Berlin, Germany, and in Budapest and Szombathely, Hungary. In contrast, Bank 1's records show that Account Owner 1 resided in other countries, to which the Claimant established no connection. In addition, the Claimant did not identify the Power of Attorney Holder to this account, despite the fact that the Power of Attorney Holder appears to be related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's late husband are the same person.

As for Account 4021075, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her late husband 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 did not indicate that her husband held any titles, nor do any of the documents submitted by the Claimant indicate that the Claimant's husband held any titles. In contrast, Bank 2's records show that Account Owner 2 did use a title. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's late husband are the same person.

As for Account 5024471, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her mother matches the published name of Account Owner 3, the information provided by the Claimant differs from the published

information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her mother resided in Hungary. In contrast, Bank 3's records show that Account Owner 3 resided in Vienna, Austria. In addition, the Claimant did not identify the person who held the account jointly with Account Owner 3, despite the fact that this person appears to be closely related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's mother 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  
30 September 2005