

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Dr. Laszlo Felkai

in re Account of G. Schwarz¹

Claim Numbers: 201991/SB; 733334/SB²

This Certified Denial is based on the claim of Dr. Laszlo Felkai, (the Claimant) to the account of Gyulane Schwartz, née Ungar. The CRT did not locate an account belonging to Gyulane Schwartz, née Ungar, 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). This Denial is to the published account of G. Schwarz (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his aunt, Gyulane Schwartz, née Ungar, who was born in 1892 and was married to Julius Schwartz, owned a Swiss bank account. The Claimant stated that his aunt, who was Jewish, lived with her husband and two children in Budapest, Hungary, where her husband owned a carpet shop. The Claimant stated that his aunt’s family was murdered in December 1944 in Budapest. The Claimant indicated that he was born on 8 December 1920 in Budapest.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Gyulane Schwartz.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire under the Claim Number 733334. In the Claim Form, the Claimant also claimed an account belonging to Julius Schwarz. The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Gyulane Schwartz. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to 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 5034099

The Bank's records indicate that the Account Owner was G. Schwarz, who resided in Offenbach, Germany. The Bank's records also indicate the Account Owner's street address. Furthermore, the Bank's records indicate the name and address of a power of attorney holder.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified Account Owner as his relative. Although the name of his aunt is substantially similar to the published 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 his aunt resided in Budapest, Hungary. In contrast, the Bank's records show that the Account Owner resided in Offenbach, Germany. The CRT notes that the Claimant also failed to identify the power of attorney holder, who appears to be related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's aunt 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 his 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
19 November 2004