

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

Claimed Account Owners: Josef Schwarz and Heinz Schwarz¹

Claim Number: 220574/RT

This Certified Denial is to the claim of [REDACTED] (the “Claimant”) to Swiss bank accounts potentially owned by the Claimant’s father, Josef Schwarz, and her brother, Heinz Schwarz (the “Claimed Account Owners”).

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 stating that Josef Schwarz, who was Jewish, resided in Landau, Germany until he fled to the United States, where he died in 1965. The Claimant further stated that her brother, Heinz Schwarz, was also Jewish, held German citizenship and resided in Landau and Lausanne, Switzerland, where he went to school. The Claimant did not indicate any academic or professional title held by Heinz Schwarz.

The CRT’s Investigation

The CRT matched the names of Josef Schwarz and Heinz Schwarz to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owners. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs’ and Heroes’ Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owners. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owners.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

The CRT's Analysis

Identification of the Account Owners

The list below contains names of account owners that match the names of the Claimed Account Owners and the reasons why the CRT has concluded that the Claimed Account Owners and an account owner are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Josef Schwarz (Austria)

Account Identification Number: 1014378

Specifically, the Claimant stated that her father, Josef Schwarz, resided in Germany and the United States. In contrast, the records show that the account owner resided in Austria.

Name: Josef Schwarz

Account Identification Number: 2014842

Specifically, the Claimant stated that her father, Josef Schwarz, died in the United States in 1965. In contrast, the records show that the account owner had a different fate.

Name: Heinrich Schwarz (Czechoslovakia)

Account Identification Number: 1001347

Specifically, the Claimant stated that her brother, Heinz Schwarz, resided in Germany and Switzerland. In contrast, the records show that the account owner resided in Czechoslovakia.

Name: Heinrich Schwarz (Düsseldorf, Germany)

Account Identification Numbers: 1012931; 1012932

Specifically, the Claimant stated that her brother, Heinz Schwarz, resided in Landau. In contrast, the records show that the account owner resided in Düsseldorf, which is over 300 kilometers from Landau. The CRT notes that Landau is a major city and that Düsseldorf is a major urban center and that there are several other major urban centers significantly closer to Landau than Düsseldorf, thus rendering it unlikely that a resident of Landau would indicate the account owner's distant city of residence as his or her city of residence, even for maintaining a Swiss bank account.

Name: Heinrich Schwarz

Account Identification Number: 4020399

Specifically, the Claimant stated that her brother, Heinz Schwarz, resided in Lausanne, where he went to school. The Claimant also indicated that Heinz Schwarz held German citizenship. The Claimant did not indicate any academic or professional title held by Heinz Schwarz. In contrast, the records show that the account owner held such a title, which is inconsistent with the Claimant's brother's status as a student at the time. The records further show that the account owner resided in a different city, which is over 250 kilometers from Lausanne, and held a different citizenship.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT’s conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The CRT now considers the Claimant’s claim to the accounts of Josef Schwarz and Heinz Schwarz closed. Please note that this decision applies only to the Claim Number and Claimed Account Owners identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
12 February 2010