

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Viola Weinberger

in re Account of P. Schwarz¹

Claim Numbers: 000517/MG; 711504/MG

This Certified Denial is based on the claims of Viola Weinberger, née Schwartz, (the “Claimant”) to an account of Paula Schwartz and Viola Weinberger, née Schwartz. The CRT did not locate an account belonging to Paula Schwartz or Viola Weinberger, née Schwartz, 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 P. 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 her mother, Paula Schwartz, who was born on 19 May 1898 in Ungvar (Uzhorod), Austro-Hungary (later Czechoslovakia, and today in the Ukraine), owned a Swiss bank account. The Claimant stated that she herself was the beneficial owner of the account. The Claimant stated that her mother, who was Jewish and held both Czech and Austro-Hungarian nationality, was the owner of a restaurant and that she resided Ungvar (Uzhorod) until 1944. The Claimant stated that in 1944 her mother was deported to Auschwitz, where she was murdered on 19 May 1944. The Claimant indicated that she was born on 25 October 1925 in Czechoslovakia.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Paula 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.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Paula 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.

Account 1007669

The Bank's records indicate that the Account Owner was P. Schwarz, who resided in Prague, Czechoslovakia. The Bank's records also indicate the Account Owner's nationality and additional city of residence in Czechoslovakia. Furthermore, the Bank's records indicate the date of closing of the account at issue. Finally, the Bank's records contain the Account Owner's signature.

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 the Account Owner as her relative. Although the name of her mother is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her mother resided in Ungvar (Uzhorod), Czechoslovakia (today in the Ukraine). In contrast, the Bank's records show that the Account Owner resided in Prague, Czechoslovakia, and in another city in Czechoslovakia, both of which were not identified by the Claimant, and both of which are over 500 kilometers from Ungvar (Uzhorod). In addition, the Claimant stated that her mother's nationality was Austro-Hungarian and Czech. In contrast, the Bank's records show that the Account Owner had a different nationality. Consequently, the CRT is unable to conclude that the Account Owner 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 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 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
13 October 2004