

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Avraham Weber

in re Accounts of Alexander Spitzer

Claim Number: 004502/MG¹

This Certified Denial is based on the claim of [REDACTED] (formerly [REDACTED]) (the “Claimant”) to the accounts of Alexander Spitzer and Vojtech (Baruch) Spitzer. The CRT did not locate an account belonging to Vojtech (Baruch) Spitzer 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 accounts of Alexander Spitzer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Alexander Spitzer (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

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 banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his paternal uncle, Alexander Spitzer, who was Jewish and who resided in Prague, Czechoslovakia, owned a Swiss bank account. In a telephone conversation with the CRT on 1 July 2003, the Claimant stated that his uncle and his wife [REDACTED] raised him since he was a baby, and that his uncle was a wealthy man who owned a textile factory. The Claimant stated that Alexander and [REDACTED] had no children. The Claimant further stated that, in 1943, he and his uncle were deported to a concentration camp in Slovakia, where they were separated. According to the Claimant, his uncle perished in the Holocaust. The Claimant indicated that he was born on 19 August 1929 in Topolcany, Czechoslovakia, to [REDACTED] and [REDACTED].

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

¹ 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 and the Claim Form under the consolidated Claim Number 004052.

The Claimant submitted documents in support of his application, including: (1) his own birth certificate; and (2) an official document indicating the Claimant's change of name.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Alexander Spitzer. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names match that 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.

Accounts 1014205, 1014206

Bank 1's records indicate that Account Owner 1 was Alexander Spitzer, who resided in Vienna, Austria. Bank 1's records also indicate Account Owner 1's title, street address, father's and brother's names and date and place of death. Furthermore, Bank 1's records indicate the opening and closing dates of the accounts at issue.

Account 4020007

Bank 2's records indicate that Account Owner 2 was Alexander Spitzer, who resided in Czechoslovakia. Bank 2's records also indicate the names of Account Owner 2's wife and children.

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 Owners

As for Accounts 1014205 1014206, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that the name of his father, Alexander Spitzer's brother, was [REDACTED], and that his uncle resided in Prague, Czechoslovakia, where he owned a textile factory. In contrast, Bank 1's records show that Account Owner 1's brother had a different name, that he resided in Vienna, Austria, and that he had a different profession. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 4020007, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that the name of his uncle's wife was [REDACTED] and that he had no children. In contrast, Bank 2's records show that Account Owner 2's wife was a different person and that he had children. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified the Account Owner. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
13 October 2004