

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Max Spitzer
and
Account of Roberto Spitzer**

Claim Numbers: 206207/SB; 773299/SB^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Robert Max Spitzer.³ This Denial is to the published account of Max Spitzer (“Account Owner 1”) at the [REDACTED] (the “Bank”), and to the published account of Roberto Spitzer (“Account Owner 2”) at the Bank.⁴

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 Form asserting that her father’s brother in-law, Robert Max Spitzer, who was born on 15 June 1902 in Budapest (today Hungary), and was married to [REDACTED] on 15 February 1928 in Budapest, owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was a businessman who resided in Budapest. The

¹ In 1999 the Claimant submitted an Initial Questionnaire, numbered ENG 0118 173, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 773299.

² 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.

³ The CRT did not locate an account belonging to Robert 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”).

⁴ In this claim, the Claimant also claimed the account of Nandor Kaufer. The CRT will treat the claim to this account in a separate determination.

Claimant further stated that she did not know what her uncle's fate was during the War, but did know that he survived the Holocaust and returned to Budapest after the War. The Claimant indicated that she was born on 20 November 1928 in Budapest.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by Robert Spitzer.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Robert Max Spitzer. 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 two 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.

Account 5029754

The Bank's records indicate that Account Owner 1 was Max Spitzer, who resided in Budapest, Hungary. The Bank's records also indicate Account Owner 1's street address in Budapest and the year of opening of the account at issue. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents indicate the name of a business owned by Account Owner 1 and the names of two other individuals associated with the account at issue. These documents also contain Account Owner 1's signature.

Account 5023674

The Bank's records indicate that Account Owner 2 was Roberto Spitzer. The Bank's records also indicate Account Owner 2's title, street address, city and country of residence, together with the names of two power of attorney holders. Furthermore, the Bank's records contains Account Owner 2'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 5029754, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her uncle's full name was Robert Max Spitzer, and in her Initial Questionnaire, the Claimant indicated that her uncle's name was Robert Spitzer, which strongly suggests that her uncle was known by his first name rather than his middle name. In contrast, the Bank's records show that Account Owner 1's name was Max Spitzer and that Account Owner 1 signed his name as Max Spitzer. The Claimant was also unable to identify unpublished information contained in the Bank's records, including Account Owner 1's street address and the name of the business he owned. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant who plausibly identified Account Owner 1 as her relative by identifying unpublished information about Account Owner 1, including his street address in Budapest and the name of the business he owned. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5023674, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her 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 the Bank's records. Specifically, the Claimant stated that her uncle resided in Hungary. In contrast, the Bank's records show that Account Owner 2 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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, which 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
9 November 2006