

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Dr. Elisabeth Steiner
represented by Mag. Ewald Scheucher

in re Accounts of Gustav Steiner (Power of Attorney Holder Marie Steiner)

Claim Number: 221405/MG¹

This Certified Denial is based on the claim of Dr. Elisabeth Steiner (the “Claimant”) to the published accounts of Gustav Steiner (the “Account Owner”), over which Marie Steiner (the “Power of Attorney Holder”) held power of attorney, 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 father, Gustav Steiner, who was born on 29 March 1925 in Vienna, Austria, and was married to Lydia Steiner, née Edlinger, in 1956 in Vienna, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was a businessman, and that he resided at Meytengasse 19 in Vienna. According to the Claimant, after Austria’s incorporation into the Reich in March 1938 (the “*Anschluss*”), her father fled Austria to England and returned to Austria after the Second World War. The Claimant stated that her father died on 4 March 1990 in Vienna. The Claimant stated that she was born on 21 March 1956 in Vienna.

The Claimant submitted documents in support of her application, including her father’s death certificate.

¹ The Claimant submitted additional claims to the accounts of Friederike Steiner, Klara (Clara) Steiner (Grossi), Jenny Steiner, and Albert Steiner, which are registered under the Claim Numbers 221404, 221406, 221420, 221421, 221422, 221434, 221438 and 221769. The CRT has determined that Claim Numbers 221406 and 221434 are duplicate claims and is treating them under the Consolidated Claim Numbers 221405 and 221769, respectively. In a separate decision, the CRT has awarded the Claimant, under Claim Number 221769, the account of Albert Steiner. See *In re Account of Albert Steiner*, approved on 29 March 2002. The CRT will treat the remaining claims to the accounts of Friederike Steiner, Klara (Clara) Steiner (Grossi) and Jenny Steiner in separate decisions.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Gustav Steiner. 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 owner's name matches 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 5023788 and 5029610

The Bank's records indicate that the Account Owner was Gustav Steiner, who resided in Vienna, Austria, and that the Power of Attorney Holder was Marie Steiner. The Bank's records also indicate the Account Owner's street address and his professional title. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (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 father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father was born in 1925. However, the Bank's records show that the Account Owner had a professional title and that he signed the power of attorney form when the Claimant's father was a young child not yet of legal age and therefore not able to grant power of attorney. In addition, the Claimant stated that her father resided at Meytengasse 19 in Vienna. In contrast, the Bank's records show that the Account Owner resided at a different address. Moreover, the Claimant did not identify the Power of Attorney Holder, who shares the same last name as the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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
31 March 2005