

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Paul Galambos

**in re Account of Rosa Steiner,
Account of Rosa Steiner AKA Rosa Palmada-Steiner,
and Accounts of Martin Steiner (Power of Attorney Holder Rosa Steiner)**

Claim Number: 213837/RS¹

This Certified Denial is based on the claim of Paul Galambos (the “Claimant”) to the published accounts of Rosa Steiner and Rosa Palmada-Steiner. This Denial is to the published account of Rosa Steiner (AKA Rosa Palmada-Steiner) at the [REDACTED] (“Bank 1”); to the published account of Rosa Steiner at the [REDACTED] (“Bank 2”); and to the published accounts of Martin Steiner, over which Rosa Steiner held power of attorney, at Bank 2.

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 his relative, Rosa Galambos, née Steiner, who was Jewish, and who was married to Arpad Galambos (Goldstein), owned a Swiss bank account.

The Claimant indicated that he was born on 4 May 1947 in Mosonmagyaróvár, Hungary.

The Claimant submitted documents in support of his claim, including a Győr City District Court decree regarding property held by Arpád Galambos and Arpádné Galambos (Roza Steiner).

¹ The Claimant submitted twelve additional claims, which are registered under the Claim Numbers 213835, 213836, 213838, 213839, 213910, 213911, 213912, 214028, 214029, 214037, 214038, and 214039. The CRT will treat these claims in separate determinations. 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 submitted other claims.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Rosa Galambos, née Steiner.² 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 four accounts whose owner or power of attorney holder’s name matches that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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 2016659

The records indicate that the account owner was Rosa Steiner. The records also indicate the account owner’s year of birth and that she was also known as Rosa Palmada-Steiner. The records do not indicate the account owner’s domicile.

Account 5023831

The records indicate that the account owner was Rosa Steiner. The records also indicate the name of the power of attorney holder on the account, and include Rosa Steiner's maiden name, which was not Steiner. The records further indicate the street address at which Rosa Steiner resided in Vienna, Austria.

Accounts 5023938, 5023938.1, and 5024482

The records indicate that the account owner was Martin Steiner, and that one of the power of attorney holders was Rosa Steiner. The records also indicate Rosa Steiner's maiden name, and her city of residence.

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

As for Account 2016659, the CRT concludes that the Claimant has not identified the account owner as his relative. Although the Claimant claimed the published name of an account owner,

² The CRT did not locate an account belonging to Rosa Galambos 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”).

the Claimant was unable to establish any link between himself and the name of the account owner. The CRT notes that the Claimant did not provide any supporting evidence to show that he had a family member with the surname Palmada, and did not provide any explanation as to why his relative, whom the Claimant named as Rosa Galambos, née Steiner, would open a bank account under the name Rosa Palmada-Steiner.

The CRT notes that in such cases where the records essentially contain only the account owner's published name, determining the identity of the account owner is especially difficult. In determining if a claimant has correctly identified the account owner, the CRT considers whether a claimant can show that a member of their family had the same surname as the account owner. Birth and death registers often contain such information, and, in addition to the documents submitted by claimants, the CRT regularly consults archival sources in the attempt to locate such documents that would substantiate such claims.

The CRT takes into consideration the passage of time, alternative spellings of names, and the circumstances of the Holocaust. Thus, in the absence of documents that can show familial relationships, the CRT also considers whether a claimant identified the account owner's name as a family member prior to its publication as an account owner name. For example, if a claimant identified a person with the same name as the account owner in an Initial Questionnaire filed with the Court in 1999, prior to the publication of the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), it is clear that a claimant based their claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that a claimant had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by that claimant.

The CRT also regularly searches a database containing the names of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Entries in this database corresponding to a claimant's relative and made prior to the publication of the account owner's name can also bolster the plausibility of a claimant's identification of the account owner, because they show that a claimant's relative was identified by that name prior to the publication of the account owner's name.

Absent special circumstances, the identification of a name on the published list of account owners, without some evidence showing that a claimant or some relative had the same name as the published account owner, is insufficient to support a finding that a claimant's claim is plausible, and the claim must be denied.

In this case, the Claimant was unable to provide any documentary evidence to show that he had a family member with the surname Palmada. Further, no evidence exists to show that this name was identified by the Claimant as the name of his relative prior to the publication of account owner names. Accordingly, the CRT concludes that the Claimant has not identified the account owner as his relative.

As for Accounts 5023831, the CRT concludes that the Claimant has not identified the account owner as his relative. Although the name of his relative 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 Bank 2's records. Specifically, the Claimant stated that her relative's maiden name was Steiner. In contrast, Bank 2's records show that the account owner had a different maiden name. Consequently, the CRT is unable to conclude that the account owner and the Claimant's relative are the same person.

As for Accounts 5023938, 5023938.1, and 5024482, the CRT also concludes that the Claimant has not identified power of attorney holder Rosa Steiner as his relative. Although the name of his relative matches the published name of the power of attorney holder, the information provided by the Claimant differs materially from the unpublished information about the power of attorney holder available in Bank 2's records. Specifically, the Claimant stated that her relative's maiden name was Steiner. In contrast, Bank 2's records show that the power of attorney holder had a different maiden name. Consequently, the CRT is unable to conclude that the power of attorney holder and the Claimant's relative are the same person.

In addition, the CRT notes that for Accounts 5023938, 5023938.1, and 5024482, the Claimant did not identify the account owner as his relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the power of attorney holder, but not the account owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the power of attorney holder and the account owner were related.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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 Rosa Galambos, née Steiner, closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner 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
24 May 2009