

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Gilel Turkieltaub and Account of Fajga Finkelstein

Claim Numbers: 204264/AV; 204275/AV; 600875/AV^{1, 2, 3}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to accounts of Jacob (Gilel, Jacob, Kuba, or Cuba) Turkieltaub (or Turkeltaub) and Halina (Fajga, Ruchi) Finkelstein, née Polniker. This Denial is to the published accounts of Gilel Turkieltaub (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Fajga Finkelstein (“Account Owner 2”) at the [REDACTED] (“Bank 2”) (together the “Banks”).^{4, 5}

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 owners, and the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and a claim to the Holocaust Claims Processing Office (“HCPO”), asserting that her maternal uncle, Jacob (Gilel, Jacob, Kuba, or Cuba) Turkieltaub (or

¹ The Claimant submitted a claim, numbered B-00547, on 24 December 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600875.

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 three claims of the Claimant in one proceeding.

³ The Claimant submitted two Initial Questionnaires (“IQs”) with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the IQs and the Claim Form under Claim Numbers 204264 and 204275.

⁴ The CRT did not locate accounts belonging to Jacob (Jacob, Kuba, or Cuba) Turkieltaub (or Turkeltaub) or to Halina (or Ruchi) Finkelstein, née Polniker, 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.

⁵ In these claims, the Claimant also claimed the accounts of Isidor (Israel) Finkelstein, Anna (Esther) Finkelstein (Czerwinski), née Pomrok and Lucjan Finkelstein (Czerwinski). The CRT treated the claims to these accounts in separate determinations.

Turkeltaub), who was born in 1894 in Warsaw, Poland or Lublin, Poland, and was married to [REDACTED], née [REDACTED], in Warsaw, owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, owned an import/export business in Lublin. The Claimant further stated that her uncle was deported to the Lublin ghetto, and that he perished in 1942.

In addition, the Claimant submitted a Claim Form, asserting that her paternal grandmother, Halina (Fajga or Ruchi) Finkelstein, née Polniker, who was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her grandmother, who was Jewish, resided in Warsaw, where her husband owned a jewelry business. The Claimant indicated that her grandmother perished in 1941 or 1942 in the Warsaw ghetto. The Claimant indicated that she was born on 8 May 1932 in Warsaw.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Jacob (Gilel, Jacob, Kuba, or Cuba) Turkieltaub (or Turkeltaub) and Halina (Fajga or Ruchi) Finkelstein, née Polniker. 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 three accounts whose owners' names match those 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 5026380 and Account 5029400

Bank 1's records indicate that Account Owner 1 was Gilel Turkieltaub, who resided in Warsaw, Poland. Bank 1's records also indicate Account Owner 1's street address.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank 1 to obtain additional information about these accounts ("Voluntary Assistance"). Bank 1 provided the CRT with additional documents. These documents consist of a power of attorney form, and indicate the names of three individuals who held power of attorney and the name and domicile of Account Owner 1's business. Finally, these documents contain Account Owner 1's signature.

Account 4020332

Bank 2's records indicate that Account Owner 2 was Fajga Finkelstein, who resided in Poland. Bank 2's records also indicate Account Owner 2's city of residence. Furthermore, Bank 2's records indicate the dates of opening and closing of the account at issue.

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 Accounts 5026380 and 5029400, 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 from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her uncle owned a business in Lublin. In contrast, Bank 1's records show that Account Owner 1 owned a business in a different city, which is over 150 kilometers from Lublin. Moreover, the CRT notes that the Claimant was unable to identify the power of attorney holders, although it appears from Bank 1's records that they are closely related to Account Owner 1. 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 accounts to other claimants, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 4020332, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandmother matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her grandmother resided in Warsaw. In contrast, Bank 2's records show that Account Owner 2 resided in a different, major Polish city, which is over 250 kilometers from Warsaw, to which the Claimant established no connection. The CRT notes that the Claimant's grandmother's main city of residence, Warsaw, is also a major Polish city, rendering it unlikely that the Claimant's grandmother would indicate a different, distant metropolis as her city of residence, including for purposes of maintaining a bank account. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandmother 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
23 February 2006