

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED], and [REDACTED]
represented by Martin Mannhart

**in re Accounts of Anna Unger
and
Accounts of Friedrich Unger
and
Account of Dezsö Roth¹**

Claim Number: 217571/AV

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Anna Unger, Friedrich Unger, and Dezsö Roth. This Denial is to the published accounts of two individuals named Anna Unger (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”), to the published accounts of Friedrich Unger (“Account Owner 3”) at Bank 2, and to the published accounts Dezsö Roth (“Account Owner 4”) at Bank 1.

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 asserting that her parents, Dr. Anna Unger, née Arens, who was born on 7 June 1897 in Vienna, Austria, and Dr. Friedrich Unger, who was born on 14 July 1891, each owned a Swiss bank account. The Claimant stated that her parents, who were Jewish, were married on 29 December 1919 in Vienna and resided at Esslinggasse 17, Vienna, where her father owned a cotton trading firm. According to the Claimant, her mother owned shares in *Spinnerei-Weberei Teesdorf*, which was forcibly sold in 1938 or 1939 to a business located in Dornbirn, Austria. The Claimant further stated her parents fled Vienna to Zurich, Switzerland in June 1938, and then to the United States in 1939. Furthermore, the Claimant stated that while her parents never resided in Germany, it is possible that after the incorporation

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Dezsö Roth is indicated as having two accounts. Upon careful review, the CRT has concluded that Bank 1’s records evidence the existence of only one account.

of Austria into the Reich in March 1938 (the “*Anschluss*”), an Austrian citizen may have stated that he or she resided in Germany. The Claimant stated that her father died on 27 October 1954 in Zurich, and that her mother died on 7 March 1994 in Berkeley, California, the United States.

The Claimant further asserted that her paternal uncle by marriage, Deszö Roth, owned a Swiss bank account. The Claimant stated that Deszö Roth was married to her aunt, [REDACTED], née [REDACTED], and that they resided in Hungary. According to the Claimant her uncle died in 1944.

The Claimant stated that she was born on 24 July 1927 in Vienna.

The Claimant submitted documents in support of her claim, including: (1) her mother’s Austrian passport which indicates that she resided at Esslinggasse 17 in Vienna; and (2) her parents’ marriage certificate, which indicates that her father resided in Vienna.

Information Available in the Banks’ Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her mother, Anna Unger; her father, Friedrich Unger and her uncle, Deszö Roth. 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 six 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 5035991

Bank 1’s records indicate that Account Owner 1 was Anna Unger, who resided in Dornbirn, Austria. Bank 1’s records also indicate the year prior to which the account was opened.

Account 1014248 and Account 1014249

Bank 2’s records indicate that Account Owner 2 was Anna Unger, who resided in Geltendorf, Germany. Bank 2’s records also indicate a second city of residence for Account Owner 2, the name of an individual who jointly owned the accounts at issue and their city and country of residence. Furthermore, Bank 2’s records indicate the date of opening for one of the accounts at issue and the dates of closing of both of the accounts at issue.

Account 1013429 and Account 1013430

Bank 2’s records indicate that Account Owner 3 was Friedrich Unger, who resided in Germany. Bank 2’s records also indicate Account Owner 3’s city of residence in Germany. Furthermore, Bank 2’s records indicate the dates of opening and closing of the accounts at issue.

Account 5029586

Bank 1's records indicate that Account Owner 4 was Dezsö Roth, who resided in Budapest, Hungary. Bank 1's records also indicate the name of Account Owner 4's spouse and the name of an individual who jointly owned the account at issue.

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 Owners

As for Account 5035991, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her mother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her mother resided in Vienna. In contrast, Bank 1's records show that Account Owner 1 resided in Dornbirn, which is over 500 kilometers from Vienna. The CRT also notes that the account at issue was opened several years prior to 1938. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's mother are the same person.

As for Account 1014248 and Account 1014249, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her mother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her mother resided in Austria. In contrast, Bank 2's records show that Account Owner 2 resided in Geltendorf, Germany and another city. The CRT also notes that the Claimant did not identify the joint account owner, even though they appear to be related to Account Owner 2 and that one of the accounts at issue was opened several years prior to the incorporation of Austria into the Reich. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's mother are the same person.

As for Account 1013429 and Account 1013430, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that her father resided in Austria. In contrast, Bank 2's records show that Account Owner 3 resided in a city in Germany, to which the Claimant did not establish any connection. The CRT also notes that the accounts at issue were opened several years prior to the *Anschluss*. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

As for Account 5029586, the CRT concludes that the Claimant has not identified Account Owner 4 as her relative. Although the name of her uncle matches the published name of Account Owner 4, the information provided by the Claimant differs materially from the unpublished information about Account Owner 4 available in Bank 1's records. Specifically, the Claimant stated that her uncle was married to [REDACTED], née [REDACTED]. In contrast, Bank 1's records show that Account Owner 4 was married to a different person. Consequently, the CRT is unable to conclude that Account Owner 4 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
23 January 2006