

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of J. Vogel¹

Claim Numbers: 002013/ES/AH; 712696/AH²

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Iosef (or Josef) Kalman Fogel. The CRT did not locate an account belonging to Iosef (or Josef) Kalman Fogel 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”). This Denial is to the published account of J. Vogel (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 paternal grandfather, Iosef (or Josef) Kalman Fogel, owned a Swiss bank account. The Claimant stated that her grandfather was born in 1879 in Maramures, Austro-Hungary (today in Romania), where he lived his entire life, and was married to [REDACTED]. The Claimant stated that her grandfather was a banker and owned shares of a Swiss bank, as well as a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, died as a result of Nazi persecution in 1943 in Maramures. The Claimant indicated that she was born on 2 July 1940 in Poesti, Romania.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

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.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef Kalman Fogel.

The Claimant submitted documents in support of her application, including her father's birth certificate, which indicates her grandfather's name and place of residence.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Iosef (or Josef) Kalman Fogel. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant. The 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 1014347

The Bank's records indicate that the Account Owner was J. Vogel, who resided in Austria. The Bank's records also indicate the Account Owner's city of residence. Furthermore, the Bank's records indicate the dates of opening and closing of 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.

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 grandfather is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her grandfather resided in Romania his entire life. In contrast, the Bank's records show that the Account Owner resided in Austria. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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
30 September 2004