

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Ester Tzuk
also acting on behalf of Dafna Bin
represented by Alon Tzuk

in re Accounts of J. Vogel and Heinrich Vogel¹

Claim Number: 002009/ES^{2,3}

This Certified Denial is based on the claim of Ester Tzuk, née Tsipor, (the “Claimant”) to an account of Jindrich Vogl, also known as Heinrich Vogel, and the account of Ludwig Vogel (or Vogl). The CRT did not locate an account belonging to Ludwig Vogel (Vogl) or Jindrich Vogel (Vogl) 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 (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published accounts of Heinrich Vogel (“Account Owner 2”) at the [REDACTED] (“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 her paternal grandfather, Jindrich Vogl, also known as Heinrich Vogel, who was born on 13 June 1873 in Dnesice, Czechoslovakia, owned a Swiss bank account. The Claimant stated that her grandfather was married to Elsa Vogl, née Beer, on 21 September 1902 in Prague, Czechoslovakia, and worked as a merchant in Pilsen, Czechoslovakia (now Czech Republic). The Claimant further stated that her grandfather, who

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 The Claimant submitted an additional claim to the account of Karel Vogel or Vogl, which is registered under the Claim Number 002007. The CRT will treat the claim to this account in a separate decision.

³ The Claimant submitted two Initial Questionnaires with the Court in 1999 and two Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 002007 and 002009.

was Jewish, fled to Prague when the Nazis occupied Czechoslovakia, and was deported to Theresienstadt in 1942, where he perished on 7 May 1943. The Claimant indicated that she was born on 14 September 1935 in Kibutz Sarid, Palestine.

The Claimant submitted documents in support of her application, including: (1) a copy of document from the Czech authorities, which indicates that her grandfather resided in Pilsen; and (2) a document indicating the deportation of her grandfather to Theresienstadt.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Jindrich Vogl, also known as Heinrich Vogel. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names are substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number.

Account 1014347

Bank 1's records indicate that Account Owner 1 was J. Vogel who resided in Austria. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Accounts 5024892, 5029928

Bank 2's records indicate that Account Owner 2 was Heinrich Vogel, who resided in Dresden, Germany, and that the Power of Attorney Holder was Annie Vogel. Bank 2's records also indicate Account Owner 2's street address, his spouse's name and the Power of Attorney Holder's maiden name. Finally, Bank 2's records contain Account Owner 2'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.

Identification of the Account Owners

As for Account 1014347, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published first initial and last 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 grandfather was born in and resided in Czechoslovakia. In contrast, Bank 1's records show that Account Owner 1 resided in Austria. Consequently, the

CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Accounts 5024892 and 5029928, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather 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 grandfather resided in Czechoslovakia and was married to Elsa Vogl, née Beer. In contrast, Bank 2's records show that Account Owner 2 resided in Germany and was married to a different person. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder to these accounts, although she shared the same last name as Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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
15 July 2005