

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Naftali Wagner

in re Account of J. Wagner

Claim Number: 201680/MG¹

This Certified Denial is based on the claim of Naftali Wagner (the “Claimant”) to an account of Jechiel (or Chil or Yechiel) Wagner and Naftali Wagner. The CRT did not locate an account belonging to Jechiel (or Chil or Yechiel) Wagner or Naftali Wagner 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. Wagner (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 father, Jechiel (Chil) Wagner, who was born Pacanowa, Poland, and was married to Esther Wagner, née Taubenblat, in 1914 or 1915 in Stopnica, Poland, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was a wholesale trader of textiles who resided in Stopnica. The Claimant further stated that his father was deported in 1942 to a concentration camp in Poniatowa, Poland, where he was killed. The Claimant indicated that he was born on 15 July 1923 in Stopnica.

In support of his claim, the Claimant submitted his birth certificate.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Jechiel Wagner. The auditors who carried out the ICEP Investigation reported one account whose owner’s first name initial and last name matches that provided by the Claimant. The

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 201680.

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 1001190

The Bank's records indicate that the Account Owner was J. Wagner. The Bank's records also indicate that the Account Owner was a woman and further indicate her maiden name.

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 his relative. Although the name of his father matches the published first name initial and last name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant is claiming the account of his father. In contrast, the Bank's records show that the Account Owner was a woman. Consequently, the CRT concludes that the Account Owner and the Claimant's father are not 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 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 his 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
21 September 2005