

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Walter Weber

Claim Number: 222505/AX^{1, 2, 3}

This Certified Denial is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Walter Weber (the “Account Owner”) at [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 father, Dr. Walter Fried (Freed), who was born on 10 February 1906 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], on 20 October 1931 in Troppau, Czechoslovakia, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was an attorney who lived in Vienna before moving to Prague, Czechoslovakia sometime around 1931. The Claimant further stated that prior to the Second World War, her father’s law office was located at Naprikope 35-Celetna 38 in Prague. The Claimant indicated that her father conducted business in Germany, and that he understood the implications of the growing anti-Semitism in Europe for his family. The Claimant stated that her father fled Prague by jumping onto a train disguised as a coal miner sometime in 1938.

¹ The Claimant submitted additional claims to the accounts of Stephan Weber, Paula Weber, Selma Weber, Karl Weber, Elsa Fried, née Spitzer, Cazilia Spitzer, Nellie Fried, and Jakob Spitzer, which are registered under the Claim Numbers 222503, 222504, 222506, 222508, 222509, 223391, 223392, and 223399, respectively. The CRT will treat the claims to these accounts in separate decisions. The CRT awarded the account of Karl Rudolf Weber to the Claimant. This Award was approved by the Court on 11 March 2003. See *In re Account of Karl Rudolf Weber*.

² 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 222505.

³ The CRT rendered a decision on the claim in an arbitration that was concluded on 11 November 1998 (the “Arbitration”). In the Arbitration, the information before the CRT indicated that the account owner referred to in the Arbitration and the Claimant’s father were not the same person based on different countries of residence and inconsistent dates. Claims Resolution Tribunal for Dormant Accounts in Switzerland, Docket No. 6235/0898/SW. This Certified Denial is based on a different account than the account addressed in the Arbitration.

In correspondence with the CRT, [REDACTED 2], whom the Claimant represents, emphasized her father's sagacity and awareness of events that were taking place or about to take place for Jews in Europe. As a result of these events, the Claimant indicated that her father used the alias Walter Weber to open the Swiss bank account. The Claimant further indicated that the alias was a combination of her father's first name, Walter, and her mother's maiden name, Weber. The Claimant indicated that she was born on 21 August 1952 in New York, New York, the United States.

The Claimant submitted an Initial Questionnaire in 1999 asserting her entitlement to a Swiss Bank account owned by Walter Fried and [REDACTED], née [REDACTED], and did not indicate that her father may have used the alias Walter Weber. The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Dr. Walter Weber, whose name was included in the list of dormant accounts published by the Swiss Bankers Association in 1997. Furthermore, the Claimant submitted a claim to the International Commission on Holocaust Era Insurance Claims ("ICHEIC"), indicating that her father, Walter Fried (Freed) was the beneficiary [sic] of an insurance policy. The Claimant also did not indicate that her father used the name Walter Weber or any alias in the ICHEIC claim form.

The Claimant submitted documents in support of her claim including: 1) pages of her father's passport indicating that his name was Walter Fried, and showing several stamps from Switzerland in 1948; 2) her parents' marriage certificate identifying them as [REDACTED] and Walter Fried, dated 20 October 1931; and 3) copies of her and her sister's birth certificates, indicating that their parents were Walter Freed and Sally Freed, née Weber.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her father's alias, Walter Weber. 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 one account whose owner's name matches 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 1001253

The Bank's records indicate that the Account Owner was Walter Weber.

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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the first name of the Claimant's father and the maiden name of the Claimant's mother match the published name of the Account Owner, the CRT has determined that the Claimant has not made a plausible showing that the Account Owner was her father. The CRT notes that, according to the Claimant, her father opened a Swiss bank account using his first name and her mother's maiden name. However, the Claimant provided no documentation indicating that her father used the name Walter Weber as an alias. Furthermore, the Claimant indicated that her father used a *Dr.* title. The Bank's records do not indicate that the Account Owner used a *Dr.* title. In addition, the CRT notes that the Claimant submitted an Initial Questionnaire asserting that her father and mother owned a Swiss bank account. However, in the Initial Questionnaire, the Claimant did not indicate that her father used an alias to open a Swiss bank account. The Claimant also submitted an ICHEIC claim form indicating that her father was a beneficiary to an insurance policy. The Claimant did not indicate the use of an alias by her father in the ICHEIC claim form. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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
12 January 2005