

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Gabriele Weigl

Claim Number: 213646/SB^{1, 2, 3, 4}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Gabrielle (Gabriela) Placek, née Weigl.⁵ This Denial is to the unpublished account of Gabriele Weigl (the “Account Owner”) at the [REDACTED] (the “Bank”).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 his paternal grandmother, Gabrielle Weigl, who was born on 2 June 1874 and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, resided in Brünn, Czechoslovakia (today the Czech Republic), and that the family owned various businesses. The Claimant stated that his grandmother mother died on 6 March 1943 in Brünn. The Claimant indicated that he was born on 31 July 1930 in Brünn.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 213646 and 213658. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 213646.

² The Claimant submitted numerous documents to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. Although the Claimant did not formally file a claim with the HCPO, a file containing the documents he submitted was referred by the HCPO to the CRT and has been assigned Claim Number 601415.

³ In a separate decision, the CRT awarded the accounts of *Placek & Co.* to the Claimant. See *In re Account of Placek & Co.* (approved on 8 August 2004).

⁴ 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 213646.

⁵ The CRT did not locate an account belonging to Gabrielle (Gabriela) Placek, née Weigl 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”).

The Claimant submitted documents in support of his claim, including his grandmother's death certificate and the birth certificate of his father, [REDACTED], which indicate that the family resided in Brünn, Czechoslovakia.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Gabrielle Weigl. 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 that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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.

Accounts 1000196 and 1000196.1

The Bank's records indicate that the Account Owner was Gabriele Weigl. The Bank's records also indicate the Account Owner's city and country of residence and the name of a joint account owner, including their title, city and country of residence. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts 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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the maiden name of his grandmother matches the unpublished 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 stated that his grandmother resided in Brünn, Czechoslovakia. In contrast, the Bank's records show that the Account Owner resided in another country, which the Claimant did not identify. The CRT also notes that the Claimant did not identify the joint account owner, even though this individual appears to be closely related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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 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
3 March 2006