

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Irene Weinberger

Claim Numbers: 204977/AX; 601213/AX^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Iren Weinberger, née Weinstock. This Denial is to the published accounts of Irene Weinberger (the “Account Owner”) at the [REDACTED] (the “Bank”).^{3,4}

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 to the CRT and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her mother, Iren Weinberger, née Weinstock, who was born on 12 December 1898 in Nyirmada, Hungary, and was married to [REDACTED] in Hungary during the early 1920s, owned a Swiss bank account. According to the Claimant, [REDACTED] died in July 1936. The Claimant indicated that her family owned two flour mills in Büdszentmihaly, Hungary, where they lived until 1941, when the mills were seized by the Nazis. The Claimant indicated that her family subsequently moved to Nyiregyhaza, Hungary. According to the Claimant, her mother, who was Jewish, perished on 4 January 1945 in the Ravensbrück concentration camp. The Claimant indicated that she was born on 10 January 1929 in Büdszentmihaly.

¹ The Claimant submitted a claim, numbered B-00243, on 27 October 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601213.

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.

³ The CRT did not locate an account belonging to Iren Weinberger (Weinstock) 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”).

⁴ In her claims, the Claimant also claimed the accounts of Samu Weinstock and Laszlo Hermann. The CRT will treat the claims to these accounts in separate determinations.

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

The Claimant submitted documents in support of her application, including a document containing the letterhead of her family's flour mills in Hungary.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Iren Weinberger. 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 two accounts whose owner's name matches that provided by the Claimant. 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 5033713 and 5033714

The Bank's records indicate that the Account Owner was Irene Weinberger, who resided in Frankfurt, Germany. The Bank's records further indicate that the Power of Attorney Holder was Nelly Möllrich. In addition, the Bank's records indicate the Account Owner's street address and marital status, as well as the date of closing of the accounts.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 name of her mother is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her mother resided in Hungary. In contrast, the Bank's records show that the Account Owner resided in Germany. The Claimant also stated that her father died in July 1936, and this information is inconsistent with the information about the Account Owner's marital status as contained in the Bank's records. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 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 claims 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
31 October 2005