

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Leo Weiner

Claim Number: 207851/AH; 207869/PI/AH^{1, 2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to accounts of Leo Weiner; Hugo Singer; Karl Weiner; Amalia Weiner, née Kafka; Miroslav Weiner and Josef Weiner. The CRT did not locate an account belonging to Hugo Singer, Karl Weiner, Amalia Weiner, Amalia Kafka, Miroslav Weiner or Josef Weiner 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 Leo Weiner (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 uncle, Leo Weiner, who was born in approximately 1903 in Horazdovice, Czechoslovakia, owned a Swiss bank account. The Claimant indicated that his uncle, who was married and had one daughter, [REDACTED], was a merchant who maintained business relations in adjacent countries. The Claimant further indicated that his uncle, who was Jewish, resided in Horazdovice until 1942, when he was deported to Auschwitz, where he and his entire family perished. The Claimant indicated that he was born on 15 June 1936 in Plzen, Czechoslovakia.

The Claimant previously submitted four Initial Questionnaires with the Court in 1999, in which he asserted his entitlement to Swiss bank accounts owned by Leo Weiner and/or deposited by

¹ 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.

² The Claimant submitted four Initial Questionnaires with the Court in 1999 and two Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 207851.

him on behalf of the Claimant's relatives, and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to Swiss bank accounts owned by Leo Weiner.

The Claimant submitted documents in support of his application, including his own birth certificate indicating the name Weiner and the Claimant's Czech origin.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Leo Weiner. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches 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 4021649

The Bank's records indicate that the Account Owner was Leo Weiner, who resided in Budapest, Hungary. The Bank's records also indicate the Account Owner's title and profession, as well as the name and location of the institution where he worked. Furthermore, the Bank's records indicate the date of opening of the account 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified Account Owner Leo Weiner as his relative. Although the name of his uncle matches 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 his uncle resided in Czechoslovakia and was a merchant. In contrast, the Bank's records show that the Account Owner resided in Hungary, held a title, had a different profession, and worked for an institution the Claimant did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT awarded the account 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 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 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
19 November 2004