

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Weinstein

Claim Numbers: 205060/SJ, 600434/SJ^{1, 2, 3}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Mayer (Mark) Vaynshtein (Vainshtein), also known as Ethick Mayer Weinstein. This Denial is to the published account of an individual named Weinstein (the “Account Owner”) at the [REDACTED] (the “Bank”).^{4, 5}

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 father, Mayer (Mark) Vaynshtein (Vainshtein), also known as Ethick Mayer Weinstein,⁶ who was born on 12 February 1896 in Stepan, Rovno district, then Austria-Hungary (later Poland, now the Ukraine) and was married to [REDACTED] on 11 October 1920 in the village of Stepan, owned a Swiss bank account. The

¹ The Claimant submitted a claim, numbered B-01735, on 19 February 1999, 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 600434.

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 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 205060.

⁴ The CRT did not locate an account belonging to Ethick Mayer (Mark) Vaynshtein (Vainshtein, Weinstein) in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “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”).

⁵ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the Account Owner is listed as a resident of Germany. Upon careful review, the CRT has concluded that the Bank’s records show that the Account Owner resided in a different country.

⁶ The CRT notes that these names are substantially similar and will herein refer to the Claimed Account Owner as Mayer Vaynshtein.

Claimant indicated that his father, who was Jewish, was a merchant and a shop owner in the village of Stepan. The Claimant added that in 1941 Stepan was under German occupation and that his family's house became part of the Jewish ghetto that the German troops created. Finally, the Claimant indicated that many members of his family, including his mother and father, were shot and killed in the Stepan ghetto in 1942. The Claimant indicated that he was born on 15 May 1925 in Stepan.

The Claimant previously submitted an Initial Questionnaire with the Court and an HCPO claim form in 1999, asserting his entitlement to a Swiss bank account owned by Mayer Vaynshtein.

The Claimant submitted documents in support of his application, including a certificate from the Stepan Village Executive Council, dated 25 April 1989, indicating that the Claimant's parents were shot in the Stepan ghetto in 1942 by German troops and that their house and possessions were confiscated.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to his relative, Mayer Vaynshtein. 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. 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 1014778

The Bank's records indicate that the Account Owner was a person named Weinstein. While the ICEP auditors reported that the Account Owner resided in Germany, the Bank's records indicate that the Account Owner resided in a different country. The Bank's records also indicate the Account Owner's city of residence.

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 Account Owner as his relative. Although the last name of his father matches the published 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

father's first name was Mayer or Mark and that he lived in the village of Stepan in Poland (now the Ukraine). In contrast, the Bank's records show that the Account Owner resided in a different country, to which the Claimant did not establish any connection. 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 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 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
21 September 2005