

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Yvonne Illich
also acting on behalf of Sascha Illich and Michael John Illich

**in re Account of Alice Weiss
and
Accounts of A. Weiss**

Claim Number: 501407/AV¹

This Certified Denial is based on the claim of Yvonne Illich (the “Claimant”) to the account of Alice Weiss. This Denial is to the published account of Alice Weiss (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and the published accounts of A. Weiss (“Account Owner 2”) (together the “Account Owners”) at the [REDACTED] (“Bank 2”) (together the “Banks”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and a claim in 2005, asserting that her paternal grandmother’s aunt, Alice Weiss, née Ortlieb, who was born on 25 June 1881 or 1882 in Munich, Germany, and was married to Gustav Weiss, owned a Swiss bank account. The Claimant stated that her relative, who was Jewish, lived at Brahmsplatz 7 and Mayerhofgasse in Vienna, and that she was a partner in *Vereinigte Münchener Eiswerke Ortlieb & Edenhofer*, which was a family-owned real estate holding company in Munich. The Claimant further stated that Alice Weiss later fled to Brussels, Belgium, where she died on 19 July 1943. The Claimant indicated that she was born on 27 May 1957 in New York, New York, the United States.

The Claimant submitted documents in support of her claim, including an SS report on wealthy and influential Jews in Vienna, which includes the name of Alice Weiss, and indicates that she lived at Brahmsplatz 7 in Vienna.

¹ The Claimant submitted five additional claims, which are registered under the Claim Numbers 501364, 501373, 501382, 501392, and 501398, respectively. In a separate decision, the CRT awarded the accounts of Alice Weiss, Ernst Weiss, and Oskar Weiss to the Claimant. See *In re Accounts of Alice Weiss, Ernst Weiss, and Oskar Weiss* (approved on 7 June 2006). The CRT will treat the remaining claims in separate determinations.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Alice Weiss. 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 three accounts whose owners' names match that provided by the Claimant.² 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.

Account 4019901

Bank 1's records indicate that Account Owner 1 was Alice Weiss, who resided in Vienna, Austria. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of Bank 1 to obtain additional information about this account ("Voluntary Assistance"). Bank 1 provided the CRT with additional documents. These documents indicate the name of a person who jointly held the account at issue (the "Joint Account Owner").

Account 5030495 and Account 5035927

Bank 2's records indicate that Account Owner 2 was A. Weiss. Bank 2's records also indicate Account Owner 2's city and country of residence, title, and gender.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alice Weiss and assets of a person whose name matches that of the Joint Account Owner. These records indicate Alice Weiss's date of birth, the name of her spouse, and her street address. Moreover, these records indicate the name of Alice Weiss's grandmother, together with her grandmother's street address.

In addition, these records show that the person whose name matches that of the Joint Account Owner is related to the Alice Weiss mentioned above. Therefore, the CRT concludes that Account Owner 1 and the abovementioned Alice Weiss are the same person.

² The CRT notes that the ICEP auditors reported an additional account owned by Alice Weiss, which the CRT awarded to the Claimant, as noted above.

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 Owners

As for Account 4019901, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandmother's aunt matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in the 1938 Census records. Specifically, the Claimant indicated that her relative was born in 1881 or 1882. In contrast, the 1938 Census records indicate that Account Owner 1 was born more than 20 years later. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother's aunt are the same person.

As for Account 5030495 and Account 5035927, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the first name initial and surname of her grandmother's aunt matches the published first name initial and surname of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant is claiming her grandmother's aunt's account. In contrast, Bank 2's records show that Account Owner 2 was male. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandmother's aunt 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, 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 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
8 August 2006