

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Nikolaus Hajnos

**in re Accounts of Emil Weiss
and
Account of Emil Weiss
(Power of Attorney Holder Steffy Weiss)
and
Account of Robert Weiss
(Power of Attorney Holder Emil Weiss)¹
and
Accounts of Therese Weiss
and
Account of Olga Diamant**

Claim Numbers: 214946/SB; 214947/SB; 214949/SB^{2,3,4}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Emil Weiss (Weisz), Therese (Teréz) Weiss (Weisz, Weissné), née Bielitz and Olga (Leoné) Dan (D’Amant, Diamant), née Weiss (Weisz). This Denial is to the published account of Emil Weiss (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the unpublished account of Emil Weiss (“Account Owner 2”) at the [REDACTED] (“Bank 2”), to the published account of Emil Weiss (“Account Owner 3”) at the [REDACTED] (“Bank 3”), to the published account of Robert Weiss (“Account Owner 4”), over which Emil Weiss held a power of attorney, at Bank 3,

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

² The Claimant submitted six Claim Forms, which were registered under the Claim Numbers 214946, 214947, 214949 and 222760, 222762, 222763. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Numbers 214946, 214947 and 214949.

³ The Claimant submitted additional claims to the accounts of Franz Weiss and Leon Dan, which are registered under the Claim Numbers 214948, 222761 and 222764, respectively. The CRT awarded these accounts to the Claimant in separate decisions. See *In re Account of Franz Weiss* (approved on 30 August 2002), and *In re Account of Leon* (approved on 30 June 2003).

⁴ 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.

to the published accounts of Therese Weiss (“Account Owner 5”) at Bank 1, and to the published account of Olga Diamant (“Account Owner 6”) at Bank 3.^{5,6}

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 Claim Forms asserting that his maternal grandparents, Emil Weiss and Therese Weiss, and his maternal great-aunt, Olga Diamant, owned a Swiss bank account. The Claimant stated that his grandfather was born on 28 November 1869 in Pest, Hungary, that his grandmother was born on 12 April 1883 in Papa, Hungary, and that they were married on 21 June 1914 in Sopron, Hungary. According to the Claimant, from 1917 to 1926 his grandparents, who were Jewish, resided in both Vienna, Austria and Budapest, Hungary, but after 1926 his grandparents resided solely in Budapest, where his father worked on the restoration of antiquities. The Claimant further stated that his grandmother died on 26 July 1945 in Budapest, and that his grandfather died on 19 November 1950, also in Budapest.

The Claimant stated that his great-aunt, who was Jewish, was born on 4 May 1876 in Budapest and was married to Leo Dan. The Claimant further stated that his great-aunt resided from 1920 to her death in 1957, in Budapest. According to the Claimant, owing to the political circumstances surrounding Leo Dan in Hungary, his great-aunt might have provided the bank with an address in Vienna, Austria, as her parents owned an apartment there. The Claimant indicated that he was born on 28 July 1950 in Budapest.

The Claimant submitted documents in support of his claim, including: (1) the Claimant’s grandparents’ marriage certificate which indicates their date and place of marriage; (2) his grandmother’s death certificate, which indicates the date and place of death; (3) a copy of his great-aunt’s birth certificate.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted claims to accounts belonging to his relatives, Emil Weiss, Therese Weiss and Olga Diamant. 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 eight accounts

⁵ In Claim Number 214949, the Claimant also claimed the account of Ilona Illes. The CRT has awarded this account to the Claimant in a separate decision. See *In re Account of Ilona Illes* (approved on 30 August 2002).

⁶ The CRT did not locate an account belonging to Emil Weisz, Therese (Teréz) Weissné (Weisz), née Bielitz, Teréz Weiss or, Olga (Leoné) Dan (D’Amant), née Weiss (Weisz) 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”).

whose owners' or power of attorney holders' names match those provided by the Claimant. Upon review of the bank documents, the CRT also located two additional accounts that were 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 1014453 and 1014454

Bank 1's records indicate that Account Owner 1 was Emil Weiss, who resided in Austria. Bank 1's records also indicate Account Owner 1's city of residence, the date of opening of one of the accounts at issue and the closing dates of both of the accounts at issue.

Accounts 3016994 and 3016994.1

Bank 2's records indicate that Account Owner 2 was Emil Weiss. Bank 2's records also indicate Account Owner 2's city and country of residence, street address and the name of a person who held power of attorney. Furthermore, Bank 2's records indicate the date on which the power of attorney was signed. Finally, Bank 2's records contain the signatures of Account Owner 2's and of the person who held power of attorney.

Account 5024093

Bank 3's records indicate that Account Owner 3 was Emil Weiss, who resided in Vienna, Austria and that the Power of Attorney Holder was Steffy Weiss. Bank 3's records also indicate Account Owner 3's street address and the date on which the power of attorney was granted and the date of closing of the account at issue. Finally, the Bank's records contain Account Owner 3's and the Power of Attorney Holder's signatures.

Accounts 5023807 and 5023807.1

Bank 3's records indicate that Account Owner 4 was Robert Weiss, who resided in Graz, Austria and that the Power of Attorney Holder was Emil Weiss. Bank 3's records also indicate Account Owner 4's street address and Power of Attorney Holder Emil Weiss' street address, city and country of residence, and the date on which the power of attorney was granted. Finally, Bank 3's records contain Account Owner 4's and Power of Attorney Holder Emil Weiss' signatures.

Accounts 1013530 and 1013531

Bank 1's records indicate that Account Owner 5 was Therese Weiss, who resided in Austria. Bank 1's records also indicate Account Owner 5's street address and city of residence. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

Account 5024784

Bank 3's records indicate that Account Owner 6 was *Frau* (Mrs.) Olga Diamant, who resided in Vienna, Austria. Bank 3's records also indicate the dates of opening and closing of the account at issue.

The CRT's Analysis

Admissibility of the Claim

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 Owners

As for Accounts 1014453 and 1014454, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his grandfather resided in Vienna and Budapest until 1926, and that after 1926 he resided solely in Budapest. In contrast, Bank 1's records show that Account Owner 1 resided in a city in Austria many years after the Claimant's grandfather had moved to Budapest, Hungary. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 3016994 and 3016994.1, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandfather matches the unpublished name 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 stated that his grandfather resided in Vienna, Austria and Budapest, Hungary. In contrast, Bank 2's records show that Account Owner 2 resided in a country other than Austria or Hungary. Further, the CRT notes that the Claimant has not identified the person who held power of attorney over the account at issue, even though this person appears to be closely related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5024093, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his grandfather matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that his grandfather resided in Vienna and Budapest until 1926, and that after 1926 he resided solely in Budapest. In contrast, Bank 3's records show that Account Owner 3 resided in Vienna, Austria several years after the Claimant's grandfather had moved to Budapest, Hungary. Further, the CRT notes that the Claimant has not identified the Power of Attorney Holder, even though she appears to be related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's grandmother are the same person.

As for Account 5023807 the CRT concludes that the Claimant has not identified Power of Attorney Holder Emil Weiss as his relative. Although the name of his grandfather matches the published name of Power of Attorney Holder Emil Weiss, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder Emil Weiss available in Bank 3's records. Specifically, the Claimant stated that after 1926 his grandfather resided in Budapest, Hungary. In contrast, Bank 3's records show that at this time Power of Attorney Holder Emil Weiss resided in a different country. Consequently, the CRT is unable to conclude that Power of Attorney Holder Emil Weiss and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 2 as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Accounts 1013530 and 1013531, the CRT concludes that the Claimant has not identified Account Owner 5 as his relative. Although the name of his grandmother matches the published name of Account Owner 5, the information provided by the Claimant differs materially from the unpublished information about Account Owner 5 available in Bank 1's records. Specifically, the Claimant stated that his grandmother resided in Vienna and Budapest until 1926, and that after 1926 she resided solely in Budapest. In contrast, Bank 1's records show that Account Owner 5 resided in a city in Austria many years after the Claimant's grandmother had moved to Budapest, Hungary. Consequently, the CRT is unable to conclude that Account Owner 5 and the Claimant's grandmother are the same person.

As for Account 5024784, the CRT concludes that the Claimant has not identified Account Owner 6 as his relative. Although the name of his great-aunt matches the published name of Account Owner 6, the information provided by the Claimant differs from the published and unpublished information about Account Owner 6 available in Bank 3's records. Specifically, the Claimant stated that his great-aunt resided in Budapest, Hungary, but may have provided an address in Vienna, Austria, in order to conceal the account. In contrast, Bank 3's records show that Account Owner 6's permanent address was in Vienna, Austria, with no indication that the address was a mailing address or a care of address, and the time period that the account was open, during which the Claimant's great-aunt resided in Hungary. Consequently, the CRT is unable to conclude that Account Owner 6 and the Claimant's great-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 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
14 December 2005