

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

in re Account of Fritz Winkler

Claim Number: 216388/BW^{1,2}

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Fritz Winkler (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 her father’s cousin, Fritz Winkler, who was born in Breslau, Germany sometime between 1895 and 1905, owned a Swiss bank account. The Claimant stated that on an unknown date her cousin fled Germany for England, later moving to South Africa. The Claimant stated that she was born on 20 December 1931 in Gleiwitz, Germany.

¹ The Claimant submitted four Initial Questionnaires with the Court in 1999 and four Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 216386, 216387, 216388 and 216389.

² In her claims, the Claimant claimed the accounts of Karl Winkler, Paul Lustig, Kurt Lustig, Gunter Emil Winkler, Max Lustig, Bianca Lustig, Frank T. Gorlan, Friedrich Goldsteucker, Franz Ulrich Goldsteucker, Helga Schwartz, and Berta Winkler which are registered under the Claim Numbers 216386, 216387, and 216389. The CRT has treated the claims to the accounts of Karl Winkler, Paul Lustig, Kurt Lustig, Gunter Emil Winkler, Max Lustig, Bianca Lustig, Frank T. Gorlan, Friedrich Goldsteucker, Franz Ulrich Goldsteucker, Helga Schwartz. See *In re Account of Karl Winkler* (approved on 19 November 2004) and *In re Account of Paul Lustig* (approved on 8 June 2004). The CRT will treat the claim to accounts belonging to Karl Lustig and Berta Winkler in separate determinations.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Fritz Winkler. 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 2016375

The Bank's records indicate that the Account Owner was Fritz Winkler, who resided in Bucharest, Romania.

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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her cousin matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her cousin resided in Germany, fled to England, and later moved to South Africa. In contrast, the Bank's records show that the Account Owner resided in Bucharest, Romania, a city and 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 cousin 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
29 December 2005