

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Gertrud Luebke
represented by Frank Karl Luebke

in re Account of Hedi Winkler

Claim Number: 200836/MG

This Certified Denial is based on the claim of Gertrud Luebke, née Blau, (the “Claimant”) to the published account of Hedi Winkler (the “Account Owner”) at [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her mother, Hedwig (Hedi) Blau, née Winkler, who was born on 29 March 1897 in Vienna, Austria, and was married to Rudolf Blau in 1918, owned a Swiss bank account. The Claimant stated that her mother owned a store in Vienna. The Claimant stated that her mother, who was Jewish, fled from Vienna to Switzerland in 1938, and that her business was confiscated by the Nazis. The Claimant further stated that her mother remained in Switzerland, and that she died on 8 May 1957 in Vienna. The Claimant indicated that she was born on 18 November 1919 in Vienna.

The Claimant submitted documents in support of her application, including: (1) her own marriage certificate; (2) a family book; and (3) her school diploma, issued on 24 June 1937, indicating her mother’s name, Hedwig Blau.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Hedwig (Hedi) Blau, née 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 1001274

The Bank's records indicate that the Account Owner was Hedi Winkler. The Bank's records also indicate the Account Owner's marital status.

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 mother 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 her mother married in 1918 at the age of 21, and that her married name was Blau. In contrast, the Bank's records show that the Account Owner had a different marital status. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's mother 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 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 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
31 August 2004