

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Antoinette [REDACTED]

in re Account of Paul von Winterstein

Claim Number: 601672/OW¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], ([REDACTED]) (the “Claimant”) to the account of [REDACTED] (also known as [REDACTED]).² This Denial is to the published account of Paul von Winterstein (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 to the Holocaust Claims Processing Office (“HCPO”) asserting that her father, [REDACTED], who was born on 19 July 1895 in Vienna, Austria, and was married to [REDACTED], née [REDACTED] on 23 September 1923, owned a Swiss bank account. The Claimant further indicated that her father, who held a doctor title, was a cotton broker and owned a firm called [REDACTED] in Vienna. The Claimant further stated that, in 1938, her father, who was Jewish, fled to Viareggio, Italy, and from there to Paris, France in 1939. The Claimant stated that in September 1939 her father emigrated to the United States, where he died on 19 June 1971. The Claimant explained that her father changed his last name from [REDACTED] to [REDACTED] in 1940. The Claimant indicated that she was born on 13 October 1931 in Vienna.

The Claimant submitted documents in support of her claim, including: (1) a copy of her baptism certificate, indicating that her father was [REDACTED] of Vienna; (2) a certificate confirming that [REDACTED] changed his name on 1 July 1940 to [REDACTED].

¹ The Claimant submitted a claim, numbered B-01340, on 8 September 1998, 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 601672.

² In this claim, the Claimant also claimed the account of a company named [REDACTED]. The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, [REDACTED] (also known as [REDACTED]). 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. 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 1001466

The Bank's records indicate that the Account Owner was Paul von Winterstein, who resided in Austria.³ The Bank's records also indicate the Account Owner's title, profession, street address, and another city and country of residence.

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 father matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father, who held a doctor title, was a cotton broker. In contrast, the Bank's records show that the Account Owner held a different title and had a different profession. Moreover, the Claimant stated that her father resided in Austria, fled to Italy, then went to France, and finally emigrated to the United States. In contrast the Bank's records indicate that the Account Owner resided in Austria and in another 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.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the place of residence of Paul von Winterstein is published as Bad Hofgastein, Austria. Upon careful review, the CRT has concluded that Paul von Winterstein resided in a different city in Austria.

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
31 October 2005