

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

## **in re Accounts of Karl Wittmann**

Claim Numbers: 203447/AE; 601318/AE<sup>1, 2, 3</sup>

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Bernat Karl Wittmann. This Denial is to the published account of Karl Wittmann (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of Karl Wittmann (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the unpublished account of Karl Wittmann (“Account Owner 3”) at Bank 2.

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 are redacted.

## **Information Provided by the Claimant**

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) and a Claim Form to the CRT asserting that his father, Bernat Karl Wittmann, who was born in 1891 in Oradea, Romania, and was married to [REDACTED], née [REDACTED], in 1920, owned a Swiss bank account. The Claimant indicated that his father owned and operated a lumberyard in Baia, Romania, a paprika mill in Oradea, and a company named *Interprindere Sanatati* in Satu Mare, Romania, and that his father occasionally travelled to Switzerland on business. The Claimant further indicated that his father lived in Satu Mare and that he also used the Hotel Continental in Vienna, Austria as an address. The Claimant explained that his father, who was Jewish, was expelled by the Nazis from Austria to Romania in 1938, relocated to the ghetto in Satu Mare in November 1943, and deported to the concentration camp in Auschwitz, where he perished in June 1944. The Claimant indicated that he was born on 23 June 1921 in Oradea.

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<sup>1</sup> The Claimant submitted a claim, numbered B-01781, on 3 May 1999, 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 601318.

<sup>2</sup> 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.

<sup>3</sup> The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 203447.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Bernat Wittmann.

The Claimant submitted the following documents in support of his application: (1) his birth certificate; (2) his father's death certificate; (3) his mother's death certificate; and (4) sworn statements by Ilona Sugar and Peter Barna, indicating that the Claimant's father mentioned to them that he had deposited assets in a bank in Zurich, Switzerland.

### **Information Available in the Bank Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Bernat Karl Wittmann. The auditors who carried out the ICEP Investigation reported four accounts whose owners' names match or are substantially similar to those 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 1013595

Bank 1's records indicate that Account Owner 1 was Karl Wittmann, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

#### Accounts 5035469 and 5035470

Bank 2's records indicate that Account Owner 2 was Karl Wittmann, who resided in Vienna, Austria. Bank 2's records also indicate Account Owner 2's profession and title. Furthermore, Bank 2's records show that Account Owner 2 held the accounts jointly with another individual who appears to be related to Account Owner 2.

#### Account 5034342

Bank 2's records indicate that Account Owner 3 was Karl Wittmann. Bank 2's records also indicate Account Owner 3's street address, city, and country of residence. Furthermore, Bank 2's records include a power of attorney form, indicating the name and maiden name of the power of attorney holder, and the relationship between Account Owner 3 and the power of attorney holder. Finally, Bank 2's records contain the signatures of Account Owner 3 and the power of attorney holder.

### **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 1013595, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs from the published information about Account Owner 1 available in Bank 1’s records. Specifically, the Claimant stated that his father resided in Romania, where his businesses were located, and that he also used an address in Vienna, Austria. In contrast, Bank 1’s records show that Account Owner 1 resided in Germany. Furthermore, there is no indication in Bank 1’s records that Account Owner 1 used a first name other than Karl. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant’s father are the same person.

As for Accounts 5035469 and 5035470, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs from the published and unpublished information about Account Owner 2 available in Bank 2’s records. Specifically, the Claimant stated that his father was a business owner. In contrast, Bank 2’s records show that Account Owner 2 had a different occupation. In addition, the Claimant failed to identify the individual who held the account jointly with Account Owner 2 and who appears to be related to him. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant’s father are the same person.

As for Account 5034342, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 3, the information provided by the Claimant differs from the published and unpublished information about Account Owner 3 available in Bank 1’s records. Specifically, the Claimant stated that his father resided in Romania, where his businesses were located, and that he also used an address in Vienna, Austria. In contrast, Bank 2’s records show that Account Owner 3 resided in a country that was not identified by the Claimant as a possible country of residence of his relative, and to which the Claimant did not establish any connection. In addition, the Claimant was unable to identify the person who held power of attorney over the account, even though that person was closely related to Account Owner 3. Furthermore, the Claimant provided information about his father's family tree that is inconsistent with information about Account Owner 3 contained in Bank 2's records. Consequently, the CRT is unable to conclude that Account Owner 3 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. Appeals should be delivered to the following address: c/o Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20037, the United States.

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 claims 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  
30 September 2005