

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Claire Tabak  
also acting on behalf of Yaffa Adler

## **in re Account of Moritz Zahler**

Claim Number: 204591/SB<sup>1</sup>

This Certified Denial is based on the claim of Claire Tabak, née Zahler, (the Claimant ) to the account of Moses (Moris, Moishe, Moritz) Zahler. This Denial is to the published account of Moritz Zahler (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>2,3</sup>

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 father, Moritz Zahler, who was born in 1910 in Stanislav, Poland, and was married to Shterna Zahler, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Stanislav with his first wife and child, where the family owned several businesses. According to the Claimant her father traveled all over Europe, including Switzerland, and America. The Claimant further stated that after the Nazis’ invasion of Poland her father went into hiding, but that his wife and child were murdered by the Nazis in Auschwitz. The Claimant continued that after the Second World War he moved to Budapest, Hungary where he married his second wife, Lilly Weinberger, the Claimant’s mother. The Claimant stated that her father died in May 1990 in Toronto, Canada. The Claimant indicated that she was born on 13 May 1948 in Tel Aviv, Israel.

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<sup>1</sup> The Claimant also submitted an Initial Questionnaire to the Court in 1999. The CRT is treating the Initial Questionnaire under the Claim Number 702723. In this Initial Questionnaire and the instant Claim Form, the Claimant also claimed the account of Saul Rosenberg and Shterna Zahler. The CRT will treat the claims to these accounts in a separate determination.

<sup>2</sup> The CRT did not locate an account belonging to Moses (Moris, Moishe) Zahler 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 ).

<sup>3</sup> 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 name M. Zahler and Moritz Zahler appear. The CRT awarded the account of M. Zahler to the Claimant in a separate decision. See *In re Accounts of M. Zahler* (approved on 6 February 2004).

The Claimant submitted documents in support of her claim, including the Claimant's marriage certificate which indicates that her father's name was Moses Zahler.

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

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Moritz Zahler. 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 1013730

The Bank's records indicate that the Account Owner was Moritz Zahler, who resided in Berlin, Germany. The Bank's records also indicate the Account Owner's street address and second family name.

### **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 materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father resided in Stanislav, Poland. In contrast, the Bank's records show that the Account Owner resided in Berlin, Germany, and that although the Claimant stated that her father traveled throughout Europe, she did not establish any connection to Berlin. The CRT also notes that the Claimant did not identify the Account Owner's second family name. 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.

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