

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Paula Zellner

Claim Number: 150035/MG

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Anisim Zellner, Paula Zellner, and Elsa Zellner. The CRT did not locate an account belonging to Anisim Zellner or Elsa Zellner 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”). This Denial is to the published accounts of Paula Zellner (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 paternal great-aunt, Paula Zellner, owned a Swiss bank account. The Claimant stated that Paula Zellner, who was Jewish, was the sister of her paternal grandfather, [REDACTED]. During a telephone conversation with the CRT on 10 November 2004, the Claimant stated that her great-aunt resided in the city of Lvov (which was part of Austro-Hungary until 1918, part of Poland for some time during the Second World War, and today is in the Ukraine). The Claimant further stated that Zellner was her great-aunt’s maiden name. The Claimant indicated that she was born on 13 November 1925 in Smela, Ukraine.

The Claimant submitted documents in support of her application, including: (1) her own birth certificate; (2) her parents’ death certificates; (3) her brother’s death certificate; and (4) a document regarding her parents’ marriage registration, which shows that her father resided in Lvov.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Paula Zellner. The auditors who carried out the ICEP Investigation reported two accounts 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.

Accounts 1013637, 1013638

The Bank's records indicate that the Account Owner was Paula Zellner, who resided in Austria. The Bank's records also indicate the Account Owner's city of residence and the name of a person who held the accounts jointly with the Account Owner and shared the same last name as the Account Owner. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of 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 great-aunt matches the published name of the Account Owner, the information provided by the Claimant differs from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her great-aunt's maiden name was Zellner, which does not match information about the Account Owner contained in the Bank's records. In addition, the Claimant stated that her great-aunt was from the city of Lvov. In contrast, the Bank's records show that the Account Owner resided in a city in Austria, which was not identified by the Claimant and is more than 600 kilometers from Lvov, and to which the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's great-aunt 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
24 December 2004