

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Irene Adler
and
in re Account of Johann Desider Aczél
(Power of Attorney Holder Irene Adler)¹**

Claim Number: 214194/PY/MG

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Irene Adler. This Denial is to the published account of Irene Adler (“Account Owner 1”) at the [REDACTED] (“Bank 1”), and to the published account of Johann Desider Aczél (“Account Owner 2”), over which Irene Adler (the “Power of Attorney Holder”) held Power of Attorney, at the [REDACTED] (“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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his paternal grandmother, Irene (Irina) Adler, née Scheinberger, who was born on 28 April 1879 in Orsova, Romania, and was married to [REDACTED] on 7 May 1899, also in Orsova, owned a Swiss bank account. The Claimant stated that his grandmother, who was Jewish, resided in Arad, Romania, until 1921, after which she moved to Vienna, Austria. According to the Claimant, his grandmother was an art historian and held a doctorate degree in art and philosophy. The Claimant stated that, in 1939, his grandmother fled Vienna to escape the Nazis and returned to Romania in 1939, where she resided in Timisoara. The Claimant stated that his grandmother died on 18 December 1956 in Timisoara. The Claimant indicated that he was born on 9 February 1931 in Arad.

The Claimant submitted documents in support of his claim, including: (1) his father’s birth certificate, which indicates that he was born in Romania and that his mother was [REDACTED],

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative.

(2) his grandmother's death certificate, which indicates that she resided in Romania prior to her death, and (3) an extract of his grandparents' marriage certificate, which indicates that his grandmother's maiden name was Scheinberger.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Irene Adler. 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, and one account whose Power of Attorney Holder's name matches that provided by the Claimant. Upon review of Bank 1's documents, the CRT also located one additional account that was not reported by the auditors. 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 1009094 and 1009094.1

Bank 1's records indicate that Account Owner 1 was Irene Adler, who resided in Romania. Bank 1's records also indicate Account Owner 1's maiden name. In addition, Bank 1's records indicate the name of another person who held the accounts jointly with Account Owner 1, as well as the city of residence of this person. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

Account 5034056

Bank 2's records indicate that Account Owner 2 was Johann Desider Aczél, who resided in Budapest, Hungary, and that the Power of Attorney Holders were Dezsi Aczél and Irene Aczél-Adler. Bank 2's records also indicate the maiden name and the married name of Power of Attorney Holder Irene Aczél-Adler, her street address, and her relationship to Account Owner 2.

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 Accounts 1009094 and 1009094.1, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the married name of his grandmother matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's

records. Specifically, the Claimant stated that his grandmother's maiden name was Scheinberger. In contrast, Bank 1's records show that Account Owner 1 had a different maiden name. Furthermore, the Claimant did not identify the name of the person who held the accounts jointly with Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandmother are the same person. Moreover, it should be noted that the CRT has identified another claimant who plausibly identified Account Owner 1 as her relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 5034056, the CRT concludes that the Claimant has not identified Power of Attorney Holder Irene Aczél-Adler as his relative. Although the married name of his grandmother matches one of the published names of Power of Attorney Holder Irene Aczél-Adler, the information provided by the Claimant differs materially from the unpublished information about Power of Attorney Holder Irene Aczél-Adler available in Bank 2's records. Specifically, the Claimant stated that his grandmother's maiden name was Scheinberger. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as his relative. Consequently, the CRT is unable to conclude that Power of Attorney Holder Irene Aczél-Adler and the Claimant's grandmother are the same person.

In addition, the CRT notes that the Claimant did not identify the Account owner as his relative and that, under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

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 his 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
10 December 2004