

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Bernhard Axelrad

Claim Number: 220212/EZ

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Benedict (Benedikt, Bernhard or Benito) Axelrad and [REDACTED]. The CRT did not locate an account belonging to Benedict, Benedikt, Benito or [REDACTED] 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 account of Bernhard Axelrad (the “Account Owner”) at the Zurich branch of 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 father, Benedict (Benedikt, Bernhard or Benito) Axelrad, who was born on 28 June 1894 in Roman, Romania, and was married to [REDACTED], née [REDACTED], on 1 January 1923 in Sinaia, Romania, owned a Swiss bank account. The Claimant indicated that her father was the chairman of *Creditul Minier*, a Romanian oil company located in Paris, France, and that he was owner of a Romanian construction company. Additionally, the Claimant stated that her father lived in Dorohoi, Bacau and Bucharest in Romania, as well as in Paris, and that he traveled frequently within Europe, often to Switzerland, on business and for vacation. The Claimant stated that her father, who was Jewish, was persecuted by the Nazis, that his property was confiscated, that he was arrested by the Nazis, but survived the Second World War by hiding, and died on 11 November 1960 in Deva, Romania. The Claimant stated that she was born in Bucharest on 20 November 1927.

The Claimant submitted documents in support of her application, including: her father’s birth certificate; her parents’ marriage certificate, her father's death certificate indicating his last address in Bucharest; a certificate issued by the Romanian Ministry of Industry for Petroleum and Chemistry regarding the Claimant's father's employment; and the Claimant's birth certificate.

According to these documents the Claimant's father was Benedict (also spelled Benedikt) Axelrad and his last known address was 4 Bartoe Bela Street, Bucharest.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Benedict and [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Benedict (Benedikt, Bernhard or Benito) Axelrad. The auditors who carried out the ICEP Investigation reported one account whose owner's name is similar to 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 4020039

The Bank's records indicate that the Account Owner was Bernhard Axelrad, who resided in Bucharest, Romania. The Bank's records also indicate the Account Owner's street address and nationality. Furthermore, the Bank's records indicate the date of closing of the account 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 father is similar to 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's name was Benedict (Benedikt, Bernhard or Benito) Axelrad. The Claimant provided documents in all of which her father's first name appears as Benedict or Benedikt. In contrast, the Bank's records show that the Account Owner's first name was Bernhard. The CRT notes that the Claimant could not provide a document to show that her father was named Bernhard Axelrad, and that in the Initial Questionnaire, submitted to the Court in 1999, the Claimant did not mention the name Bernhard as an alternative name for her father. In addition, the Claimant did not identify the Account Owner's street address as indicated in the Bank's records. 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 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
29 June 2004