

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Anna Hedman

in re Account of Josef Büchler

Claim Numbers: 211126/SB; 706668/SB^{1,2}

This Certified Denial is based on the claims of Anna Hedman, née Szilas, (the “Claimant”) to the published account of Josef Büchler (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 maternal uncle, Bertalan Büchler,³ opened a Swiss bank account using the pseudonym Josef Büchler. The Claimant stated that her uncle, who was Jewish, was born on 31 August 1886 in Felsomogyorod (today Hungary) and married Magda Foldeak in 1920 in Budapest, Hungary. The Claimant further stated that her uncle resided in Budapest and was the owner of a bank. The Claimant stated that her uncle died on 6 March 1967 in Budapest. The Claimant indicated that she was born on 11 March 1935 in Budapest.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by Bertalan Büchler. In her Initial Questionnaire, the Claimant did not indicate that her uncle used the pseudonym Josef Büchler.

The Claimant submitted documents in support of her claim, including copies of her uncle’s birth certificate, issued on 11 December 1996 and her uncle’s death certificate, issued 15 October 1996, which both indicate that her uncle’s name was Bertalan Büchler.

¹ The Claimant submitted an Initial Questionnaire to the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire under the consolidated Claim Number 706668.

² 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.

³ The CRT did not locate an account belonging to Bertalan Büchler 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.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Bertalan Büchler. 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 the pseudonym the Claimant stated that her uncle used when opening a Swiss bank account. 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 5035029

The Bank's records indicate that the Account Owner was Joseph Büchler, who resided in Budapest, Hungary. The Bank's records also indicate the dates of opening and closing of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 pseudonym used by her uncle matches the published name of the Account Owner, the CRT notes that the Claimant has provided no information or evidence demonstrating that her uncle used the first name of Joseph, and only stated that her uncle used this name after the name was published in 2001. Similarly, the CRT notes that there is no information in the Bank's records to indicate that Joseph Büchler was the Account Owner's pseudonym, or that he conducted his affairs under another name. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants, who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary

evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

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
23 March 2007