

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Fritz Rosenberg
and
Account of Berta Dick**

Claim Number: 600537/SB^{1,2}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Fritz Rosenberg, Gustave Rosenberg, Marcus Rosenberg, and Briendl (Berta) Rosenberg, née Wortsman, also known as Berta Dick (Dik). The CRT did not locate accounts belonging to Gustave Rosenberg or Marcus Rosenberg 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 Fritz Rosenberg (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Berta Dick (“Account Owner 2”) 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 to the Holocaust Claims Processing Office (“HCPO”), asserting that her uncle, Fritz Rosenberg and her paternal grandmother, Briendl (Berta) Rosenberg, née Wortsman, also known as Berta Dick (Dik), owned Swiss bank accounts. The Claimant stated that her uncle was born in approximately 1918 and was married in 1948. The Claimant indicated that she was a flower girl at his wedding. According to the Claimant, her uncle, who was Jewish, lived in Vienna, Austria, before the Second World War, moved to the

¹ The Claimant submitted a claim, numbered B-02034, on 23 September 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600537.

² The Claimant submitted three Initial Questionnaires with the Court in 1999 and a Claim Form to the HCPO. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 600537.

United States in approximately 1937, and served in the United States Army during the Second World War. According to the Claimant, she was only five years old when her uncle died in New York, New York, the United States in 1950.

The Claimant stated that her grandmother, Briendl (Berta) Rosenberg, née Wortsmann, also known as Berta Dick (Dik), was born in Italy. The Claimant also stated that her grandmother was married to [REDACTED], who died in 1927, and that she later remarried and took the last name Dick. According to the Claimant, her grandmother resided in Vienna until 1938, and later in Potenza, Italy, where she died on 5 December 1945. The Claimant provided her grandmother's exact street addresses, and stated that her family was Jewish. The Claimant indicated that she was born on 25 March 1945 in New York.

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

The Claimant also submitted documents in support of her application, including: (1) a copy of the Claimant's parents' marriage certificate; and (2) copies of the Claimant's parents' death certificates.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Fritz Rosenberg and Briendl (Berta) Rosenberg, née Wortsmann, also known as Berta Dick (Dik). The auditors who carried out the ICEP Investigation reported two accounts whose owners' names match those 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.

Account 5023777

Bank 1's records indicate that Account Owner 1 was Fritz Rosenberg, who resided in Bad Thalkirchen, Germany, and that the Power of Attorney Holder was Maja Rosenberg. Bank 1's records also indicate the name of Account Owner 1's wife, his street address and title. Furthermore, Bank 1's records indicate the date on which the power of attorney form was signed and the opening date of the account at issue. Finally, Bank 1's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

Account 1011480

Bank 2's records indicate that Account Owner 2 was Berta Dick who resided in Krefeld, Germany. Bank 2's records also indicate Account Owner 2's street address.

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 Owners

As for Account 5023777, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her uncle lived in Vienna before the Second World War, came to the United States in approximately 1937, and then served in the United States Army. In contrast, Bank 1's records show that Account Owner 1 resided in Germany, a country to which the Claimant established no connection. Furthermore, Bank 1's records indicate that Account Owner 1 held a professional title when the account was opened, at which time the Claimant's uncle was too young to have held such a professional title. In addition, the Claimant did not identify the name of the Power of Attorney Holder. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's uncle are the same person.

As for Account 1011480, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandmother matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her grandmother resided in Vienna, until 1938, and then in Potenza, Italy. In contrast, Bank 2's records show that Account Owner 2 resided in Germany, a country to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandmother 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
30 September 2004