

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Jakob Rosenberg
and
Account of Rudolf Rosenberg
(Power of Attorney Holder Etel Rosenberg)¹**

Claim Number: 772615/SB^{2,3}

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Jacob (Jakob) Rosenberg and Ethel Rosenberg.⁴ This Denial is to the published account of Jakob Rosenberg (“Account Owner 1”) at the [REDACTED] (the “Bank”), and to the published account of Rudolf Rosenberg (“Account Owner 2”), over which Etel Rosenberg (the “Power of Attorney Holder”) held power of attorney, also at the Bank.⁵

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.

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 the same as those of the Claimant’s relative, even if the Claimant could not identify the owner of the account as her relative.

² The Claimant submitted an Initial Questionnaire in 1999, numbered ENG 0094152, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 772615.

³ The Claimant submitted an additional claim to the accounts of Fagel Schteppel and David Schteppel, which is registered under the Claim Number 501085. The CRT will treat the claim to these accounts in a separate determination.

⁴ The CRT did not locate an account belonging to Jacob Rosenberg or Ethel 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”).

⁵ In this claim, the Claimant also claimed the accounts of Oziash Rosenberg, Benzion Rosenberg, Roza Rosenberg, Yosel Rosenberg, Surule Rosenberg, Ozeh Rosenberg and Gitel Rosenberg. The CRT will treat the claim to these accounts in a separate determination.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire, asserting that her father and aunt, Jacob Rosenberg and Ethel Rosenberg, each owned a Swiss bank account. The Claimant stated that her family, who were Jewish, resided in Poland prior to the outbreak of the Second World War. The Claimant further stated her father fled Poland for Russia in 1939. The Claimant stated that her father survived the war and ultimately emigrated to the United States, and that her aunt perished in a concentration camp. The Claimant indicated that she was born on 10 January 1944 in Russia.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Jakob Rosenberg and Ethel Rosenberg. 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 two accounts whose owner's, or power of attorney holder's, 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 5030061

The Bank's records indicate that Account Owner 1 was Jakob Rosenberg. The Bank's records also indicate the name of two individuals who jointly owned the account at issue and their street addresses, cities and countries of residence.

Account 5024174

The Bank's records indicate that Account Owner 2 was Rudolf Rosenberg who resided in Sombor, Yugoslavia and that the Power of Attorney Holder was Etel Rosenberg. The Bank's records also indicate the name of Account Owner 2's wife and the Power of Attorney Holder's city and country of residence. Furthermore, the Bank's records indicate Account Owner 2's and the Power of Attorney Holder's signatures.

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 Account 5030061, the CRT concludes that the Claimant has not identified Account

Owner 1 as her relative. Although the name of her father matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 and the joint account owners available in the Bank's records. Specifically, the Claimant stated that her father resided in Poland before fleeing to Russia. In contrast, the information contained in the Bank's records is not consistent with Account Owner 1 having resided in Poland or Russia. The CRT also notes that the Claimant did not identify the joint account owners, even though they appear to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 5024174, the CRT concludes that the Claimant has not identified the Power of Attorney Holder as her relative. Although the name of her aunt matches the published name of the Power of Attorney Holder, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her aunt resided in Poland and Russia. In contrast, the Bank's records show that the Power of Attorney Holder resided in another country, a country which the Claimant did not identify. Consequently, the CRT is unable to conclude that the Power of Attorney Holder and the Claimant's 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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, which 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
14 December 2005