

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of [REDACTED 1]¹
also acting on behalf of [REDACTED 2]

in re Account of Ad Adler (AKA Adolphe Adler)
and
Account of Emil Zeisel and Adolf (or Alfred) Zeisel (or Adler)

Claim Numbers: 210704/AV; 601471/AV^{2,3}

This Certified Denial is based upon the claims of [REDACTED 1] (the “Claimant”) to accounts of Emil Zeisel and Adolf (or Alfred) Zeisel (or Adler). This Denial is to the published account of Ad (Adolphe) Adler (the “Account Owner”) at the [REDACTED] (“Bank I”), and to an account of Emil Zeisel and Adolf (or Alfred) Zeisel (or Adler) at the [REDACTED] (“Bank II”) (together the “Banks”).

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 banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that his cousin, Emil Zeisel, who was born on 31 August 1902 in Brünn (Brno), Austria-Hungary (later Czechoslovakia; today Brno, the Czech Republic), owned a Swiss bank account. According to the Claimant, his cousin, who was Jewish, was a proxy and senior officer for the Union Bank in Brno. The Claimant stated that between Autumn 1938 and March 1939, his cousin transferred two small cases to Bank II by way of the Union Bank in Brno. The Claimant indicated that he possesses what he believes to be a key to a safe deposit box at Bank II with the inscriptions #63 on the grip and #321228 on the shaft.

¹ The CRT notes that [REDACTED 1] (the “Claimant”) passed away on 13 February 2003.

² The Claimant submitted a claim, numbered B-01950, on 24 August 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 601471.

³ 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.

In addition, the Claimant asserted that his cousin, Adolf (or Alfred) Zeisel (or Adler), who was born on 28 June 1874 in Brno, owned a Swiss bank account. According to the Claimant, his cousin, who was Jewish, was an owner of *Firma Bauunternehmen Zeisel & Pokora*, a business located in Brno. The Claimant stated that this business was aryanized in 1939, and that sometime between 1941 and 1943, his cousin was deported to Auschwitz, where he perished.

The Claimant submitted the birth certificate of his cousin, Emil Zeisel, identifying him as Emil Adolf Jacob Zeisel, and indicating that he was born in Brünn. The Claimant indicated that he was born on 20 July 1921 in Vienna, Austria. The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Emil Zeisel, and an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Adolf (or Alfred) Zeisel.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Emil Zeisel and Adolf (or Alfred) Zeisel (or Adler). The CRT notes that 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 those 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 4020766

Bank I’s records indicate that the Account Owner was Ad (or Adolphe) Adler. Bank I’s records also indicate the Account Owner’s city and country of residence.

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 his relative. Although the name of his cousin, Adolf (or Alfred) Zeisel (or Adler), matches the published name of the Account Owner, the information provided by the Claimant differs from the unpublished information about the Account Owner available in Bank I’s records. Specifically, the Claimant stated that his cousin resided in Austria-Hungary (later Czechoslovakia). In contrast, Bank I’s records show that the Account Owner resided in a different country. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s cousin

are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

Basis for the Denial to the claimed account at Bank II

With respect to the claimed safe deposit box at Bank II, the CRT notes that the ICEP auditors did not report an account belonging to Emil Zeisel or Adolf (or Alfred) Zeisel (or Adler) during their investigation of Bank II. The CRT further notes that the Claimant provided information about the existence of an account owned by his relatives. Without addressing the authenticity of the information provided by the Claimant, the CRT has determined that the evidence submitted by the Claimant is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. While the CRT has previously awarded accounts to Claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these Claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archive Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank. While the CRT bears in mind the difficulties of proving the existence of an account after the destruction of the Second World War, it has determined in this case, because the information provided by the Claimant does not fall into any of the categories discussed above, nor does it indicate an official connection to Bank II or reference to the existence of an account open between 1933 and 1945, it is insufficient to support the existence of a bank account. Accordingly, the CRT is unable to make an award to the Claimant based upon this evidence.

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 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
30 November 2005