

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Erich Adler

Claim Number: 200385/AX; 200270/AX; 201410/MG/AX^{1,2}

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Erich Adler, Frantisek (Franz) Adler, and Aranka (Aurelia) Adlerova. The CRT did not locate an account belonging to Frantisek (Franz) Adler or Aranka (Aurelia) Adlerova 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 accounts of Erich Adler (the “Account Owner”) at 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 are redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that he owned a Swiss bank account. The Claimant indicated that he was born with the name [REDACTED] on 27 July 1936 in Brezova Pod Bradlom, Czechoslovakia, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant, who is Jewish, stated that he lived in Brezova Pod Bradlom until 1939. The Claimant further stated that between 1942 and 1945 he was interned in several concentration camps. The Claimant indicated that during the Second World War he changed his name to [REDACTED]. The Claimant currently lives in Slovakia.

The Claimant submitted documents in support of his application, including his birth certificate, which indicates his former name, [REDACTED].

¹ 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 three claims of the Claimants in one proceeding.

² The Claimant submitted Initial Questionnaires with the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 200385, 200270, and 201410.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to Erich Leopold Adler. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name is substantially similar to that 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.

Accounts 5026693 and 5033164

The Bank's records indicate that the Account Owner was Erich Adler, who resided in Andritz, Austria, and that the Power of Attorney Holder was Frieda Adler. The Bank's records also indicate the Account Owner's street address. Furthermore, the Bank's records indicate the date on which power of attorney was granted and the date of closing of the accounts 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 himself. Although his former name is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that he was born in 1936 and resided in Czechoslovakia. In contrast, the Bank's records show that the accounts were opened before the Claimant's birth and that the Account Owner resided in Austria. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant 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 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 September 2004