

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Elisheva Ansbacher, Adv.

in re Accounts of Sandor Banyai

Claim Number: 216948/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Sandor Banyai (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 have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her father, Sàndor Bàyai, who was born on 13 April 1886 in Nagybànya, Hungary, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was an owner of a shop in Budapest, Hungary, where he resided at Karoly Krt. 1 and at Ülloi Ut. 105. The Claimant further stated that her father was deported to Auschwitz in 1944 and that he perished in Theresienstadt on 26 May 1945. The Claimant indicated that she was born on 14 February 1921 in Budapest.

The Claimant submitted documents in support of her claim, including: (1) her birth certificate, indicating that her father’s occupation was a paper merchant and that her mother was [REDACTED]; and (2) her father’s and mother’s death certificates.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Sàndor Bàyai. 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 name matches 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 5026485 and 5034970

The Bank's records indicate that the Account Owner was Sandor Banyai, who resided in Budapest, Hungary and that the Power of Attorney Holder was Frau Sandorné Banyai. The Bank's records also indicate the Account Owner's title, profession, street address, his spouse's maiden name and his relationship to the Power of Attorney Holder Sandorné Banyai. Furthermore, the Bank's records indicate the dates of opening of the accounts at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder Sandorné Banyai'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 Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her father matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father was married to [REDACTED]. In contrast, the Bank's records show that the Account Owner was married to a different person. The Claimant also stated that his father was an owner of a shop, whereas the Bank's records show that the Account Owner had a substantially different occupation. Moreover, the CRT notes that the Claimant's father's street addresses in Budapest are inconsistent with the Account Owner's street address. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father 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
18 April 2006