

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Josef Levi
and
Account of Joseph Levy
and
Accounts of Joseph Victor Levy**

Claim Numbers: 210962/WM; 600711/WM^{1, 2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Joseph (Josef, Josif, Iosef, Ioseph) Lövi (Levi, Levy).³ This Denial is to the published accounts of Josef Levi (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Joseph Levy (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published accounts of Joseph Victor Levy (“Account Owner 3”) at [REDACTED] (“Bank 3”).⁴

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, Initial Questionnaire (“IQ”), and a claim to the Holocaust

¹ The Claimant submitted a claim, numbered B-00770, on 23 February 1998, 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 600711. The Claimant also submitted an Initial Questionnaire (“IQ”) with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the IQ and the Claim Form under the consolidated Claim Number 210962.

² 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/s in one proceeding.

³ The CRT did not locate an account belonging to Josif (Iosef, Ioseph) Lövi 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.

⁴ In these claims, the Claimant also claimed the accounts of Ethel Lövi, Alexander Lövi, Vilhelmina Lövi, and Lea Lilly Lövi. The CRT treated the claims to these accounts in a separate determination.

Claims Processing Office (“HCPO”) in 1998, asserting that her father, Joseph Lövi (Levi, Levy), who was born on 23 March 1898 in Baia Sprie, Romania, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her father, who was Jewish, resided in Baia Sprie, where he owned and operated an export business. The Claimant further stated that in 1944 her father was deported to a ghetto and later to Auschwitz concentration camp, but that he survived Auschwitz and died in 1982. The Claimant indicated that she was born on 6 March 1927 in Baia Sprie.

In support of her claim, the Claimant submitted her own civil registry of birth, dated 24 February 1950, in Baia Sprie, indicating that [REDACTED] was born on 6 March 1927 in Baia Sprie, and that her father was Josif Lövi of Baia Sprie.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Josif Lövi (Levi, Levy). 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 four accounts whose owners’ names are similar to that provided by the Claimant. Upon review of the bank documents, the CRT also located an additional account that was not reported by the auditors. 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 1000157 and 1000157.1

Bank 1’s records indicate that Account Owner 1 was Josef Levi, who resided in Italy. Bank 1’s records also indicate Account Owner 1’s city of residence. Furthermore, Bank 1’s records indicate the dates of opening of both of the accounts at issue and the date of closing of the one of the accounts at issue.

Account 1000707

Bank 2’s records indicate that Account Owner 2 was Joseph Levy.

Accounts 5032469 and 5032464

Bank 3’s records indicate that Account Owner 3 was Joseph Victor Levy, who resided in Paris, France. Bank 3’s records also indicate Account Owner 3’s street address and the name of a joint account owner, including their street address, 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 Owners

As for Accounts 1000157 and 1000157.1, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her father is similar to the published name of Account Owner 1, the information provided by the Claimant differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant provided a copy of her own civil registry of birth, indicating that her father's name was Josif Lövi. In contrast, Bank 2's records indicate that Account Owner 2's name was spelled Josef Levi. The CRT notes that the Claimant did not provide any documentation indicating that her family's name was ever spelled "Levi." Furthermore, the Claimant stated that her father resided in Baia Sprie, Romania, until his deportation in 1944. In contrast, Bank 1's records indicate that Account Owner 1 resided in Italy. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person. Moreover, it should be noted that the CRT has awarded the accounts to other claimants, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 1000707, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her father is similar to the published name of Account Owner 2, the information provided by the Claimant differs from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant provided a copy of her own civil registry of birth, indicating that her father's name was Josif Lövi. In contrast, Bank 2's records indicate that Account Owner 2's name was spelt Joseph Levy. The CRT notes that the Claimant did not provide any documentation indicating that her family's name was ever spelled "Levy." Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5032464 and 5032469, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father is substantially similar to the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant provided a copy of her own civil registry of birth, indicating that her father's name was Josif Lövi. In contrast, Bank 2's records indicate that Account Owner 2's name was spelt Josef Victor Levy. The CRT notes that the Claimant did not provide any documentation indicating that her family's name was ever spelled "Levy." Moreover, the Claimant stated that her father resided in Baia Sprie, Romania, until his deportation in 1944. In contrast, Bank 3's records indicate that Account Owner 3 resided Paris, France. In addition, the CRT notes that the Claimant did not identify the joint account owner,

even though that person appears to be related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

The CRT has taken utmost care in matching the names of the person identified by the Claimant as a possible account owner to names of actual account owners identified in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The CRT uses advanced name matching systems that consider variations of names, including name variations provided by Yad Vashem, Israel, to ensure that all possible name matches are identified. The CRT has reviewed these claims carefully and analyzed matches to accounts belonging to account owners with alternative spellings of Josif Lövi's surname, which include Löwy, and has determined that these accounts do not belong to the Claimant's relative.

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 or the alternative surname of the account owners identified above, which form 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
23 February 2006