

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1]

and [REDACTED 2]  
acting on behalf of [REDACTED 3]

## **in re Accounts of Alfred Lindner**

Claim Numbers: 400809/SB; 401523/SB

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Alfred Lindner (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>1</sup>

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 Claimants**

The Claimants each submitted a Claim Form in 2005 asserting that their paternal grandfather, Alfred Lindner, who was born in Germany, and was married to [REDACTED], owned a Swiss bank account. The Claimants further stated that their grandfather, who was Jewish, was a businessman who resided in Breslau, Germany (today Wroclaw, Poland), Beuthen, Germany (today Poland) and Oppeln, Germany (today Opole, Poland). The Claimants further stated that their grandfather was arrested and detained in a concentration camp, but escaped some time later. The Claimants further stated that their grandfather died in Long Island, New York, the United States. Claimant [REDACTED 1] indicated that he was born on 27 July 1951 in New York, New York, and Claimant [REDACTED 2] indicated that he was born on 10 October 1949 in New York.

## **Information Available in the Bank’s Records**

The CRT notes that the Claimants submitted a claim to an account belonging to their relative, Alfred Lindner. 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

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<sup>1</sup> In his claim, Claimant Peter Lindner also claimed the accounts of Ludwig Lichtenstein, Charlotte Lichtenstein and Rudolf Lichtenstein. The CRT will treat the claim to these accounts in a separate determination.

(“ICEP” or the “ICEP Investigation”) reported two accounts whose owner’s name matches that provided by the Claimants. 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 5033716 and 5033717

The Bank’s records indicate that the Account Owner was Alfred Lindner. The Bank’s records also indicate the Account Owner’s city and country of residence. Finally, the Bank’s records contain the Account Owner’s signature.

### **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 Claimants have not identified the Account Owner as their relative. Although the name of their grandfather matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimants stated that their grandfather resided in Breslau, Beuthen and Oppeln, Germany. In contrast, the Bank’s records show that the Account Owner resided in a different city, which is over 350 kilometers from Breslau, Beuthen and Oppeln, Germany, and which the Claimants did not identify. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants’ grandfather are the same person.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT’s conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the

Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **Scope of the Denial**

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
23 March 2007