

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Josef Reich

Claim Number: 500030/SB

This Certified Denial is based on the claim of [REDACTED 1], (the “Claimant”) to the published accounts of two individuals named Josef Reich (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”).¹

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 his father, Josef Reich, who was born on 8 October 1900 in Rzeszow, Poland, and was married to [REDACTED] on 20 April 1927 in Jarosław (also known as Yaroslav), Poland, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Jarosław until 1939, after which he moved to Russia, where he remained until 1946. The Claimant further stated that his father had family members who resided in Vienna, Austria and that as part of his business of owning a private bank, he often traveled to Germany, Switzerland and Austria. The Claimant stated that his father died on 8 October 1956 in Israel. The Claimant stated that he was born on 15 January 1928 in Jarosław, Poland.

The Claimant submitted documents in support of his application, including his father’s death certificate which indicates his date of birth.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian

¹ In this claim, the Claimant also claimed the accounts of Rosa Reich and Meilech (Elimelech) Reich. The CRT will treat the claim to these accounts in separate determinations.

State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Josef Reich. These records indicate Josef Reich's date and place of birth, marital status, employment status, title, street address and city of residence in Austria. The records also indicate Josef Reich's second city and country of residence.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Josef Reich. 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 five accounts whose owners' names match 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.

Account 1000598

Bank 1's records indicate that Account Owner 1 was Josef Reich. Bank 1's records also indicate Account Owner 1's city and country of residence.

Accounts 1012232 to 1012235

Bank 2's records indicate that Account Owner 2 was Josef Reich, who resided in Austria. Bank 2's records also indicate Account Owner 2's title, street address and city of residence in Austria. Furthermore, Bank 2's records indicate the dates of closing of the accounts at issue.

The CRT notes that the information contained in Bank 2's records and the 1938 Census records indicate that Account Owner 2 and the Josef Reich contained in the 1938 Census records described above are the same person.

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 Owners

As for Account 1000598, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner available in Bank 1's records. Specifically, the Claimant stated that his father resided in Jaroslaw, Poland until 1939. In contrast, Bank 1's records show

that Account Owner 1 resided in a city in a different country. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1012232 to 1012235, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records and from information contained in the 1938 Census Records. Specifically, the Claimant stated that his father was born on 8 October 1900 in Rzeszow, Poland. In contrast the 1938 Census Records indicate that Account Owner 2 was born several years earlier and in a different location. Further, the Claimant stated that his father married on 20 April 1927, whereas the 1938 Census Records indicate that Account Owner 2 was not married in 1938. The CRT also notes that information contained in the 1938 Census records regarding Account Owner 2's employment status is not consistent with the Claimant's statement that his father owned a private bank. Consequently, the CRT is unable to conclude that Account Owner 2 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 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