

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of S. Roessner¹

Claim Numbers: 205491/AH, 600940/AH^{2, 3, 4}

This Certified Denial is based on the claim of [REDACTED] (formerly known as [REDACTED]), née [REDACTED], (the “Claimant”) to accounts of Nina Finker and Schlomo (or Shlomo or Salomon) Rosner. The CRT did not locate an account belonging to Nina Finker or Schlomo (or Shlomo or Salomon) Rosner 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 account of S. Roessner (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 and a claim to the Holocaust Claims Processing Office (“HCPO”) asserting that her first husband, Schlomo (or Shlomo or Salomon) Rosner, owned a

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted a claim, numbered B-0043, on 4 December 1997, 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 600940.

³ 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 in one proceeding.

⁴ The Claimant submitted three Initial Questionnaire with the Court in 1999 and two Claim Forms to the CRT as indicated in footnote 2 above. The CRT is treating the Initial Questionnaires under the consolidated Claim Number 600940.

Swiss bank account. The Claimant stated that her late husband was born in 1908 in Cernauti, Romania, was married to the Claimant in 1934 in Krakow, Poland, and lived in Cernauti. According to the Claimant, she and her husband, who were Jewish, were imprisoned by the Russian Army during the Second World War, her husband was later sent to a labor camp in Siberia, where he died of starvation in 1942 or 1944 and their son, who remained in Cernauti, was deported by the Nazis to a concentration camp, where he perished. The Claimant indicated that she was born on 15 August 1914 in Blumau, Austria.

The Claimant previously submitted three Initial Questionnaires with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Schlomo (or Shlomo or Salomon) Rosner.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Schlomo (or Shlomo or Salomon) Rosner. The auditors who carried out the ICEP Investigation reported one account whose owner's name was substantially similar to that provided by the Claimant. The 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 2015957

The Bank's records indicate that one of the Account Owners was S. Roessner, who resided in Munich, Germany. The Bank's records also indicate that the Account Owner was a woman and that the account was jointly held with another person who appears to be related to the Account Owner.

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 her relative. Although the name of her first husband 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 her husband resided in Romania. In contrast, the Bank's records show that the Account Owner was a woman who resided in Germany. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's first husband 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 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
19 November 2004