

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Rudolf Rosenberg

Claim Numbers: 211594/AV; 600779/AV^{1,2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to an account of Raphael (Rudolf) Rosenberg (or Katzenstein). This Denial is to the published account of Rudolf Rosenberg (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 his grandfather, Raphael (Rudolf) Rosenberg (or Katzenstein), who was born on 29 August 1857 in Oberaula, Germany, and was married to [REDACTED], née [REDACTED], and was later married to [REDACTED], owned a Swiss bank account. According to the Claimant, his grandfather, who was Jewish, owned a brandy distillery and a wholesale tobacco business. The Claimant stated that his grandfather resided in Bad Hersfeld, Germany, and that he subsequently resided in Hanover, Germany from 1900 until his death on 2 November 1935 in Hanover. The Claimant indicated that he was born on 11 October 1921 in Dortmund, Germany.

¹ The Claimant submitted a claim, numbered B-00961, on 11 May 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 600779.

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 in one proceeding.

³ The CRT did not locate an account belonging to Raphael Rosenberg (or Katzenstein) 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.

The Claimant submitted documents in support of his application, including a letter from the State Archive of Hessen, Germany, identifying his grandfather as Raphael Rosenberg and indicating that he resided in Hersfeld.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to his relative, Rudolf Rosenberg. 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 one account whose owner's name matches 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 5024174

The Bank's records indicate that the Account Owner was Rudolf Rosenberg, who resided in Sombor, Yugoslavia, and that the Power of Attorney Holder was Etel Rosenberg. The Bank's records also indicate the Account Owner's relationship to the Power of Attorney Holder, and the name of the Account Owner's wife. Furthermore, the Bank's records indicate the date of closing of the account at issue. Finally, the Bank's records contain the Account Owner's and the Power of Attorney Holder's signatures.

The CRT's Analysis

Admissibility of the Claim

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 Claimant has not identified the Account Owner as his relative. Although the name of his grandfather matches 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 his grandfather resided in Germany. In contrast, the Bank's records show that the Account Owner resided in Yugoslavia. Moreover, the Claimant stated that his father was married to [REDACTED] and later to [REDACTED], whereas the Bank's records show that the Account Owner was married to someone else. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather 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 claims 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
31 October 2005