

# CLAIMS RESOLUTION TRIBUNAL

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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 Edgar Rosenthal and Accounts of Josef Rosenthal**

Claim Numbers: 215108/MG; 215509/MG<sup>1</sup>

This Certified Denial is based on the claims of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of Edgar Rosenthal (“Account Owner 1”) and Josef Rosenthal (“Account Owner 2”) 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 asserting that her father’s cousin, Edgar Rosenthal, who was born on 22 February 1893 in Vienna, Austria, and was married to [REDACTED], née [REDACTED], in Vienna, owned a Swiss bank account. The Claimant stated that Edgar Rosenthal, who was Jewish, was a musician. The Claimant also stated that Edgar Rosenthal resided in Vienna, Austria, except for the period between 1922 and 1933, when he most likely resided in Germany. The Claimant also indicated that Edgar Rosenthal’s wife, [REDACTED], was born in Marburg, Germany in 1910, and that she moved to Vienna in 1933 at the time that Edgar Rosenthal returned to Vienna. The Claimant further stated that Edgar Rosenthal, who survived the Holocaust, died in 1957 in Vienna.

The Claimant also submitted a Claim Form asserting that her paternal great uncle, Josef Rosenthal, who was born on 24 June 1862 in Vienna, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that Josef Rosenthal (Edgar Rosenthal’s father), who was Jewish, was a lawyer, and that he resided in Vienna until 1942, when he was deported to

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<sup>1</sup> 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.

Theresienstadt concentration camp, where he perished on 20 August 1942. The Claimant indicated that she was born on 17 March 1937 in Vienna.

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

The CRT notes that the Claimant submitted claims to accounts belonging to her relatives, Edgar and Josef Rosenthal. 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.

#### Accounts 1000396, 1011308 and 1011309

The Bank's records indicate that Account Owner 1 was Edgar Rosenthal, who resided in Germany. The Bank's records also indicate Account Owner 1's city of residence, and the name of a person who jointly held the accounts with Account Owner 1, and appears to be closely related to him. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue.

#### Accounts 1010944 and 1010945

The Bank's records indicate that Account Owner 2 was Josef Rosenthal, who resided in Germany. The Bank's records also indicate Account Owner 2's city of residence. Furthermore, the Bank's records indicate the dates of closing of the accounts at issue.

### **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 1000396, 1011308 and 1011309, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her relative matches the published name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that her relative resided in Vienna, Austria except for the period between 1922 and 1933, when he most likely resided in Germany. However, the Claimant could not provide her relative's city of residence and did not identify Account Owner 1's city of residence. In addition, the CRT notes that the Claimant did not identify the person who jointly held the

accounts with Account Owner 1 and appears to be closely related to him. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative are the same person.

As for Accounts 1010944 and 1010945, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her relative matches the published name of Account Owner 2, the information provided by the Claimant differs from the published information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that her relative resided in Vienna, Austria. In contrast, the Bank's records show that Account Owner 2 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's relative 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 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 March 2005