

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Gerard Francis Walton

in re Accounts of *Frau Josef Rosenthal*¹

Claim Numbers: 224065/AH; 203692/AH^{2, 3}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Josef Rosenthal and to the accounts of herself and of Prof. Ruben Dovid Rosenthal (or Rosenfelt), Dr. Rachel Vivienne Rosenthal (or Rosenfelt), Rabbi Dovid Rosenthal (or Rosenfelt) and Yishaye Dovid Rosen (or Rosenthal or Rosenfelt).⁴ The CRT did not locate an account belonging to the Claimant or to Prof. Ruben Dovid Rosenthal or Rosenfelt, Dr. Rachel Vivienne Rosenthal or Rosenfelt, Rabbi Dovid Rosenthal or Rosenfelt or to Yishaye Dovid Rosen or Rosenthal or Rosenfelt 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 accounts of *Frau Josef Rosenthal* (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.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the accounts were published under the name Josef Rosenthal. Upon careful review of the Bank’s records, the CRT has concluded that the Account Owner was *Frau Josef Rosenthal*.

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 Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Numbers 224065 and 203692.

⁴ In this claim, the Claimant also claimed the accounts of Henri Rosenthal, Herbert Rosenthal, Jul Israel Rosenthal and Isidore Rosenthal. The CRT will treat the claims to these accounts in separate decisions.

Information Provided by the Claimant

The Claimant submitted Claim Forms asserting that her paternal uncle, Josef Rosenthal, who was never married, owned a Swiss bank account. The Claimant indicated that her uncle, who was Jewish, was a lecturer in political science who resided and worked in Warsaw, Poland and possibly worked in Frankfurt am Main, Germany, as well. The Claimant stated that she witnessed her uncle being shot to death in late 1939 in Warsaw. The Claimant indicated that she was born on 1 October 1934 in Warsaw.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her parents, Prof. Ruben Dovid Rosenfelt and Dr. Rachel Vivienne Rosenfelt.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to accounts belonging to her relative Josef Rosenthal. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name matches 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 1010944 and 1010945

The Bank's records indicate that the Account Owner was *Frau* Josef Rosenthal (the wife of Josef Rosenthal), who resided in Germany. The Bank's records do not indicate the Account Owner's full name. The Bank's records indicate the Account Owner'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.

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 relative matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her relative was never married. In contrast, the Bank's records show that Josef Rosenthal was married. The CRT also notes that while in the Initial Questionnaire the Claimant stated that her relatives had the last name of Rosenfelt, in the Claim Forms she indicated the name Rosenthal.

Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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
15 July 2005