

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Willi Rosenthal and Accounts of Willy Rosenthal

Claim Number: 206903/SB

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of William (Willy, Wolf, Zev) Rosenthal.¹ This Denial is to the published accounts of Willi Rosenthal (“Account Owner 1”), and the published accounts of Willy Rosenthal (“Account Owner 2”), both at the [REDACTED] (the “Bank”).²

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, Willy Rosenthal, who was born on 7 October 1911 in Romania, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, resided in Berlin, Germany, prior to the outbreak of the Second World War. The Claimant further stated that his father emigrated to the United States, where he died on 5 September 2003. The Claimant stated that he was born on 16 January 1955 in New York, New York, the United States.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Willy 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 three accounts whose owner’s name matches that

¹ The CRT did not locate an account belonging to William (Wolf, Zev) Rosenthal 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”).

² In this claim, the Claimant also claimed the account of Haim Rosenthal. The CRT will treat the claim to this account in a separate determination.

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 1013959

The Bank's records indicate that Account Owner 1 was Willi Rosenthal. The Bank's records also indicate Account Owner 1's city and country of residence. Furthermore, the Bank's records indicate the date of closing of the account at issue.

Accounts 1013960 and 1013961

The Bank's records indicate that Account Owner 2 was Willy 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 opening of both accounts at issue and the date of closing of one account at issue.

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 1013959, 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 published information about Account Owner 1 available in the Bank's records. Specifically, the Claimant stated that his father resided in Berlin, Germany. In contrast, the Bank's records show that Account Owner 1 resided in another country, which the Claimant did not identify, and to which the Claimant established no connection. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1013960 and 1013961, 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 published information about Account Owner 2 available in the Bank's records. Specifically, the Claimant stated that his father resided in Berlin, Germany. In contrast, the Bank's records show that Account Owner 2 resided in a city in Germany, which the Claimant did not identify and which is over 750 kilometers from Berlin. 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
23 January 2006