

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Nicolas Roth

in re Accounts of Dezsö Roth

Claim Number: 207285/MD/MG¹

This Certified Denial is based on the claim of Nicolas Roth (the “Claimant”) to an account of Dezsö (Izsak) Rado (Roth). The CRT did not locate an account belonging to Dezsö (Izsak) Rado 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 Dezsö Roth (“Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his uncle, Dezsö Roth, who was born on 1 December 1880 in Ermihalyfalva, Hungary, as a son of Moritz Roth and Roza Friedman, owned a Swiss bank account. The Claimant indicated that his uncle changed his name from Roth to Rado in 1910. The Claimant stated that his uncle married Margit Breider in 1920, and that the couple had two children: Agnes, who was born in 1921 in Debrecen, Hungary, and Imre, who was born in 1923 in Debrecen. The Claimant explained that Dezsö Roth owned a textile business in Debrecen, where he lived with his family. The Claimant stated that his uncle was Jewish and was deported with his family to Auschwitz in July 1944. The Claimant stated further that his uncle perished in the Holocaust. The Claimant indicated that he was born on 7 April 1928 in Debrecen.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Dezsö Roth.

¹ 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 Number 207285.

The Claimant submitted an excerpt from a birth registry with a record regarding a change of name in support of his application.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Dezsö (Izsak) Rado (Roth). 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 5023915, 5029586

The Bank's records indicate that the Account Owner was Dezsö Roth, who resided in Budapest, Hungary. The Bank's records also indicate the first name and maiden name of the Account Owner's wife. Furthermore, the Bank's records indicate the dates of opening of the accounts 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.

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 uncle 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 his uncle was married to Margit Rado, née Breider, and that he changed his last name from Roth to Rado in 1910. In contrast, the Bank's records show that the Account Owner's wife had a different first name and maiden name, and that the accounts were opened under the name Dezsö Roth long after the Claimant's uncle had changed his name to Rado. The CRT also notes that the Account Owner and the Claimant's uncle lived in two different Hungarian cities. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle 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 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
19 November 2004